



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Ninth periodic report submitted by Germany under article 18  
of the Convention, due in 2021\*\***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## Preliminary remarks

1. This Ninth Periodic CEDAW Report (report) is the first Germany is submitting under the simplified reporting procedure. The Federal Government involved the Länder (federal states) in preparing it. As the CEDAW Committee has requested that answers be provided to more than 80 individual questions in its List of Issues and Questions Prior To Reporting (LoIPR) of March 2020, the report could only address main points and provide select examples. Additional data and statistics and further information from the Länder are therefore provided in two annexes.

2. Germany has also provided detailed information on specific issues and on the implementation of other international human rights instruments in various reports submitted since 2017, for example in the Federal Government's response to the UNECE's questionnaire<sup>1</sup> on the 25th anniversary of the adoption of the Beijing Declaration and Platform for Action.<sup>2</sup> Reference is made to other reports at the appropriate place in the document.

3. In accordance with para. 23 LoIPR, Germany is happy to provide the Committee with further details and to answer queries regarding this report in the course of further communications.

## Report

### Re para. 1: General information

4. The Federal Government and the *Länder* regard intersectionality, diversity and overlapping forms of discrimination as key concerns of gender equality policy. However, owing to the complexity and the, at times, lack of comparability of indicators or interviewed groups of people, intersectional data are not yet automatically analysed under a standard procedure in each area. The Federal Government feels there is indeed room for further improvement and more in-depth analyses in this regard in the coming years.

5. Data have long been collected on a statutory basis disaggregated by gender and, generally speaking, by other characteristics, too, in Germany's official statistics.

This report contains a selection of data on the situation of women especially relating to the issues addressed in the LoIPR. For further statistics, see Annex I.

6. Germany has clear-cut statutory regulations which stipulate that surveys must have a legal basis. Nonetheless, owing to the need to safeguard personality rights, for instance, stating one's "religious affiliation" in the regular census is voluntary and was thus not included in Annex I, supplied by the Federal Statistical Office (Destatis). On account of Germany's history, official surveys also do not request respondents to state their "ethnic background".

7. According to a 2019 decision, four options must be provided when respondents are asked to state their biological sex: "female", "male", "diverse" and "not specified". However, since case numbers for "diverse" and "not specified" are either very low or the examples in Annex I were based on analyses conducted before this change was made, the statistics provided are based only on a binary disaggregation.

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<sup>1</sup> United Nations Economic Commission for Europe.

<sup>2</sup> The English version of the report is available at [https://unece.org/fileadmin/DAM/Gender/Beijing\\_20/Germany.pdf](https://unece.org/fileadmin/DAM/Gender/Beijing_20/Germany.pdf).

8. Comprehensive data collections which do not form part of Germany's official statistics are also available at all levels. They are, however, not subject to statutory regulation.

9. For example, the Federal Government and many *Länder* commission a wealth of studies and analyses, including partly from an intersectional perspective, in the course of their gender equality policy-making.

10. Exemplary reference is made to the following current Federal Government publications:

- Fourth Gender Equality Atlas for Germany (2020), published by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ),<sup>3</sup>
- Health Situation of Women in Germany (2020), published by the Robert Koch Institute on behalf of the Federal Ministry of Health (BMG),<sup>4</sup>
- The Road to Equal Pay for Women and Men – Facts, Causes, Measures (2020), brochure published by the BMFSFJ,<sup>5</sup>
- Statistics on intimate partner violence in Germany (latterly in November 2020) as part of the Police Crime Statistics,<sup>6</sup>
- Periodic national reports by the Federal Government like the ones on professions and vocational training, education, migration or, for instance, the Eighth Government Report on Older People.<sup>7</sup>

11. Detailed, up-to-date information and data on gender-based violence (GBV) and trafficking in human beings (THB) can also be found in reports submitted by Germany to the Council of Europe as part of review mechanisms pertaining to ratified Council of Europe conventions as well as communications with the Council of Europe's expert committees GREVIO<sup>8</sup> (e.g. first state report following the entry into force of the Istanbul Convention, September 2020) and GRETA<sup>9</sup> (e.g. Germany's response to the questionnaire to evaluate implementation of the Council of Europe Convention on Action against THB).<sup>10</sup>

12. The representative German Ageing Survey, conducted by the German Centre of Gerontology (DZA), is another valuable source of data especially for an intersectional analysis of the situation of various groups of women and men over age 40. The DZA, which is funded by the BMFSFJ, commissions a field research institute with the data gathering and then itself conducts a scientific analysis of data collected. The BMFSFJ

<sup>3</sup> An interactive, digital version of the Fourth Atlas on Gender Equality is available in English at <https://www.bmfsfj.de/bmfsfj/meta/en/equality/equalityatlas?view=>. The Atlas's search function allows data from various regions on a total of 41 indicators to be found. The German PDF-version is available at <https://www.bmfsfj.de/bmfsfj/service/publikationen/4-atlas-zur-gleichstellung-von-frauen-und-maennern-in-deutschland/160358>.

<sup>4</sup> A short summary in English is available at [https://www.rki.de/EN/Content/Health\\_Monitoring/Health\\_Reporting/Reports/Health-Situation-of-Women-in-Germany\\_Summary.pdf?\\_\\_blob=publicationFile](https://www.rki.de/EN/Content/Health_Monitoring/Health_Reporting/Reports/Health-Situation-of-Women-in-Germany_Summary.pdf?__blob=publicationFile).

<sup>5</sup> The English version is available at <https://www.bmfsfj.de/bmfsfj/meta/en/publications-en/the-road-to-equal-pay-for-women-and-men/161370>.

<sup>6</sup> An English translation is provided in Annex I, Part 3.

<sup>7</sup> Federal Government's Eighth Report "Older People and Digitisation" (2020). An English summary is available at <https://www.bmfsfj.de/bmfsfj/meta/en/publications-en/older-people-and-digitisation-/159710>.

<sup>8</sup> Group of Experts on Action against Violence against Women and Domestic Violence.

<sup>9</sup> Group of Experts on Action against Trafficking in Human Beings.

<sup>10</sup> Germany's First State Report to GREVIO is available in English at <https://rm.coe.int/state-report-from-germany/pdfa/16809f59c6>. Germany's 2019 Report to GRETA is available in English at <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>.

also funds the surveys of people over age 14 on their volunteering and civic involvement conducted for the German Survey on Volunteering. For a brief analysis of the data sets, see Annex I, Part 2. These statistics are, however, not directly comparable with the data in Annex I, Part 1.<sup>11</sup>

## Re para. 2: Implementation

13. In the reporting period the BMFSFJ in particular took the opportunity provided by CEDAW's 40th anniversary to raise awareness of the Convention and the Committee's publications, especially the General Recommendations, at all policy levels and across the judiciary in Germany. This contributes to capacity-building and helps to ensure that all those in Germany who are responsible by virtue of their office for the Convention's legal and political implementation can make more explicit reference to it.

14. In late 2019, for instance, the BMFSFJ acknowledged the anniversary of CEDAW and Peking+25 at a one-day dialogue and anniversary conference. A panel discussion on the legal scope and application of CEDAW across the judiciary formed part of the event.

15. Further, the BMFSFJ published a new handbook entitled "Rightfully Gender Equality! CEDAW Manual" – in 2019 in a consultation version and in 2020 in an expanded version. A print and an accessible online version are available free of charge.<sup>12</sup> In 2020 the handbook was sent to the *Länder*, municipal equal opportunity officers, the judiciary and all law faculties, for instance.

16. The handbook is the first publication to contain the Committee's more recent General Recommendations post-2008–2019 in a German working translation. It also contains German translations of the Convention and its Optional Protocol, summaries of their content, a description of the review process and information about possibilities for civil-society participation. The Director of the German Institute for Human Rights (DIMR) contributed a guest article on the scope and importance of the Convention in German law, thereby lending key support to the handbook as a practical guide for politics and the judiciary.

17. No new insights are available as regards the Committee's renewed question about CEDAW's direct application in national courts. The finding that explicit reference is only infrequently made to CEDAW may be down to the fact that many of CEDAW's provisions have already been given further concrete form in domestic legislation.

18. Changing the DIMR's mandate would be a matter for the legislative authority, i.e. the German Parliament (*Bundestag*), which finances the Institute.<sup>13</sup> No changes were planned or implemented in that regard in the reporting period. However, in 2020/21 the BMFSFJ is funding a DIMR project to devise a concept regarding the possible options for and design of independent monitoring unit(s) for violence against women/domestic violence and THB under two separate mandates (see paras. 11, 12).

<sup>11</sup> Owing to the various data collection methods and selection of respondents or different definitions of indicators, a direct comparison of various data sources is not readily possible.

<sup>12</sup> The accessible online version of the handbook is available in German at <https://www.bmfsfj.de/bmfsfj/service/publikationen/mit-recht-zur-gleichstellung-/162366>. The BMFSFJ would like to take this opportunity to thank the Committee and Secretariat for providing advice in the preparation process and for a photograph free of charge.

<sup>13</sup> See section 1 (Legal status and financing) and section 2 (Tasks) of the DIMR Act, which entered into force in 2015.

### **Re para. 3: Application under the federal system**

19. Nationwide gender equality policy cooperation and coordination aimed at securing equal living conditions and opportunities are backed by a number of Federal Government/*Länder* working groups and the Standing Conference of Equality and Women's Affairs Ministers and Senators (GFMK).

20. The decisions of the GFMK provide the baselines for a common gender equality policy across the *Länder*. The Federal Government, represented by the BMFSFJ, is a permanent guest of the GFMK and reports on women's and gender equality policy measures and trends. The decisions of the GFMK have no direct legal effect, but they do have political weight and clout.

21. The work of the GFMK's permanent working groups on issues such as the employment equality, social security, family law, promoting women in academia and the expert group on the Equality Atlas represents a key pillar of the uniform implementation of the principle of equality. It is these working groups which prepare and elaborate the GFMK's draft decisions. The GFMK also explicitly dealt with CEDAW at its periodic conferences and in its policy decisions, most recently in 2018 in relation to pensions for women who were divorced under the law of the German Democratic Republic.

#### **Federal Government/*Länder* Working Groups – e.g. on Domestic Violence**

22. As previously reported, the Federal Government/*Länder* Working Group on Domestic Violence has spent more than 20 years improving the effective coordination of structures at all levels which are responsible for protecting women against violence. The Working Group comprises all the relevant, competent representatives at federal, state and local level, as well as non-governmental organisations (NGOs). It thus provides a platform for an interdisciplinary, expert exchange and supports the steering and coordination of measures within the federal system.

#### **Round Table “Together against Violence towards Women”**

23. The BMFSFJ launched the Round Table “Together against Violence towards Women” in September 2018. It comprises federal, state and local representatives, who have joint responsibility but work within their own remit on promoting the needs-based expansion and financial safeguarding of the work performed by women's shelters, safe houses, and non-residential support, counselling and care facilities. Under Germany's federal system, it is primarily the *Länder* which are responsible for the provision and financing of a needs-based support system (see re para. 11).

24. One example of how explicit reference is made to CEDAW provisions at *Land* level is Lower Saxony's “Making Gender Equality Visible – CEDAW in Lower Saxony” project (2018/19ff.). Its aim is to make CEDAW more widely known across the state and in its municipalities and to establish a network of local activities implementing CEDAW. Five model regions have been created. In 2019 the thematic focus was on the political participation of women and on parity, in 2020 on securing livelihoods, in combination with reconciling family, care and paid work. Public relations (PR) activities such as a touring exhibition and a CEDAW brochure form part of the project.

## Re para. 4: Legislative and policy framework

### Re 4 (a)

25. The 2017 Coalition Agreement provides neither for the expansion nor the amendment of the General Act on Equal Treatment (AGG), nor for the introduction of a right of group action by associations. Accordingly, no steps have been taken in that regard.

### Re 4 (b)

26. The AGG accords to those affected individual rights to ensure the elimination of unlawful discrimination and, possibly, pay damages and compensation. It is not possible for associations to assert these individual rights, since this could be done without the consent of those affected.

27. Where group actions by associations are aimed at asserting general interests, it is hardly possible to delimit, under labour law, where public interests do not simultaneously affect individual rights. Group actions by associations can, therefore, not be of an administrative or criminal law nature. Monitoring must remain the reserve of administrative and, possibly also, criminal proceedings.

28. Reference is made to the fact that applicable law already allows women's organisations, in their capacity as legal counsel and trade unions, to act as legal representatives in court proceedings and thus to support those affected.

29. The law stipulates no time limit within which gender-based discrimination complaints must be lodged (e.g. less than six months). Under the AGG, a claim must be asserted within two months at the latest, though. In November 2020 a decision adopted by the Federal Cabinet on combating right-wing extremism and racism extended the time limit for asserting such claims under civil law (section 21 (5) AGG) and under labour law (section 15 (4) AGG) from two to six months. The corresponding amendments are expected to be made in the course of 2021.

### Re 4 (c)

30. With reference to Germany's last report, we reiterate that discriminatory dismissals are permissible neither within nor outside of the scope of the Act on the Protection against Unfair Dismissal (KSchG). Section 2 (4) AGG provides no obstacle to the use of substantive bans on discrimination and their specific inclusion in the AGG.

31. For Germany, abolishing section 9 AGG is currently not an option. The provision serves to implement Article 4 (2) Directive 2000/78/EC and takes account of the churches' right of self-determination as per Article 140 Basic Law (GG) in conjunction with Article 137 (3) of the Weimar Constitution.

32. In the reporting period, the Egenberger case (European Court of Justice (ECJ), 17 April 2018, C 414-16, NZA 2018, 569ff.), for example, is of relevance as regards the question – on which a final decision has not yet been taken – of under which conditions, in an individual case, the churches' right of self-determination in church employment relations is legitimised by “justified occupational unequal treatment” under section 9 AGG.

33. In the light of the ECJ's case law, the Federal Labour Court found, in its judgment on the Egenberger case dated 25 Oct. 2018 (8 AZR 501/4), that rejecting an applicant with no religious affiliation did discriminate against the claimant on the ground of religion. The complainant, the *Diakonisches Werk* (the charitable organisation of the Protestant churches in Germany), has since filed a constitutional complaint against the Federal Labour Court's decision and has also asserted that the

ECJ went beyond its remit. It remains to be seen what the judgment of the Federal Constitutional Court will be.

## **Re para. 5: Extraterritorial obligations**

### **Re 5 (a)**

34. Under the National Action Plan (NAP) for Business and Human Rights 2016–2020 – which serves to apply the United Nations (UN) Guiding Principles on Business and Human Rights across Germany – the Federal Government also expects the private sector to fulfil its human rights due diligence obligations.

35. A multi-year study (2018–2020) by the Federal Government served to ascertain whether at least 50 per cent of all enterprises with more than 500 employees established in Germany were, by 2020, demonstrably and appropriately fulfilling key aspects of due diligence. The NAP monitoring showed that the private sector is still falling short of this target. In the event of this being the case, the Coalition Agreement provided for the introduction of national legislation and for its advocating for an EU-wide rule. On 3 March 2021 the Federal Cabinet approved the draft of an Act on Corporate Due Diligence Obligations in Supply Chains, which the *Bundestag* passed on 11 June 2021. Enterprises based in Germany above a certain size will be obliged to better fulfil their responsibility to safeguard internationally recognised human rights in supply chains. The law stipulates what enterprises must do in the performance of their human rights' due diligence and how far that obligation goes.

36. Council Conclusions on human rights and decent work in global supply chains were unanimously adopted during Germany's European Union (EU) Council Presidency. They called on the European Commission to table a proposal for an EU legislative act on EU enterprises' due diligence in global supply chains.

37. In June 2020 the Federal Government adopted a bill drafted by the Federal Ministry of Justice and Consumer Protection (BMJV) aimed at improving integrity in business. The bill places the sanctioning of corporations engaged in business operations on a separate legal footing, subjects them to the principle of mandatory prosecution and, by enhancing available tools, allows for appropriate prosecution. Simultaneously, compliance measures are to be promoted and incentives created so that corporations undertake internal investigations to help clear up criminal offences. In future, where public prosecution offices receive information about possible criminal behaviour in an enterprise they are required to investigate both the involved individuals and the corporation.

### **Re 5 (b)–(d)**

38. Germany has an independent and efficient system of civil justice. Anyone who feels that the actions of an enterprise in Germany have violated their rights can assert compensation claims before the German civil courts. Anyone who feels that the actions of a German enterprise operating abroad have violated their rights can also assert compensation claims before a court in Germany, namely the court in the district in which the enterprise is headquartered. However, victims of human rights violations committed within the area of responsibility of a German enterprise can only effectively avail themselves of existing legal mechanisms if they are actually aware of them. In November 2019 the Federal Government therefore published a brochure which provides an overview of the legal remedies available under German civil law.<sup>14</sup>

<sup>14</sup> The English version is available at [https://www.bmjv.de/SharedDocs/Publikationen/DE/Menschenrechtsverletzungen\\_Wirtschaftsunternehmen\\_engl.pdf?\\_\\_blob=publicationFile&v=3](https://www.bmjv.de/SharedDocs/Publikationen/DE/Menschenrechtsverletzungen_Wirtschaftsunternehmen_engl.pdf?__blob=publicationFile&v=3).

39. The National Contact Point for Responsible Business Conduct (NCP for RBC) is an out-of-court complaints mechanism. Among other things, the NCP for RBC contributes to solving problems which arise in the implementation of the OECD<sup>15</sup> Guidelines for Multinational Enterprises. It reviews incoming complaints and, where it is competent, offers to mediate between the parties involved.

40. By conducting NAP industry dialogues the Federal Government also supports the establishment of effective cross-company complaints mechanisms. These serve as an early warning system so as to identify negative impacts on human rights and give those affected access to effective legal remedies. As part of a dialogue with the German automobile industry, representatives of businesses, associations, civil society, trade unions, science and the Federal Government in February 2020 began drawing up a concept for a cross-company complaints mechanism. The pilot is based on an example from Mexico. Particular account is taken of marginalised and vulnerable people, including women and girls.

41. The BMJV is conducting a research project on the potential of mediation and other forms of alternative dispute resolution in handling disputes concerning human rights violations within enterprises' areas of responsibility. The aim is to draw up concrete guidelines for establishing out-of-court complaints mechanisms in enterprises and at industry level which also focus on the gender perspective. The final report is expected to be published in summer 2021.

42. The Federal Government is committed to enhancing human rights through and in trade relations and plays an active role in that regard at EU level. This goal is enshrined in the European Commission's Communication "Trade for All", in the 2017–2021 Coalition Agreement and in the aforementioned NAP. Trade agreements are negotiated at EU and not at national level. In the reporting period the EU explicitly enshrined its human rights obligations in ratified agreements with Vietnam and Singapore.

## **Re para. 6: Women, peace and security**

### **Re 6 (a)**

43. As previously reported, Germany already has sufficiently clear and effective evaluation mechanisms which enable it to fulfil the protective purposes as per the Arms Trade Treaty (ATT) (see Article 7, specifically para. 4 (Gender-based violence)).

44. GBV forms part of Germany's risk assessment mechanisms: Council Common Position 2008/944/CFSP, specifically Criterion Two (Respect for human rights in the country of final destination), and the Federal Government's policy principles provide the basis for its export control policy risk assessment.

45. Existing rules are comprehensive, concrete and workable in administrative practice.

### **Re 6 (b)**

46. The Latvian Presidency of the Fifth Conference of the States Parties to the ATT in 2019 focused specifically on the requirements and implementation of Article 7 (4) ATT. It included a best practice sharing workshop, held in Riga in May 2019, in which Germany played an active part.

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<sup>15</sup> Organisation for Economic Cooperation and Development.



47. Further, Germany provided financial and content-related support to the NGO *Control Arms* in compiling the ATT Monitor 2019 and a special chapter on the definition of GBV and the opportunities for and challenges of implementing Article 7 (4).

48. Germany is committed to the Resolution on Gender and Gender-Based Violence (ATT/CSP5/2019/PRES/528/Conf.GenderGBV) adopted at the Fifth ATT Conference. Work on its implementation is ongoing, for example by ensuring a gender balance at meetings and in conference delegations, involvement in drafting definitions and collecting aggregated figures on issues around gender and GBV, and an exchange concerning the definition of the relevant evaluation criteria based on the requirements under Article 7 (4).

49. Outside of the scope of arms export controls as regulated under the ATT, Germany also places an emphasis on gender mainstreaming concerning issues around disarmament and enhancing the role of women in disarmament and arms controls. In 2018 France and Germany jointly drew up a roadmap for wide-ranging small weapons control in the Western Balkans region up to 2024. Women played a key role in producing the roadmap; indicators for the measurability of the level of implementation of its measures were designed to be gender-sensitive. Supra-regional gender- and age-disaggregated data on the misuse of small and light weapons are also regularly collected. The roadmap and gender mainstreaming mechanisms have served as inspiration for other regions, for instance the Caribbean and western Africa.

50. Issues around armament and gender aspects are also considered in connection with the 17 Sustainable Development Goals (SDGs) and the resolutions of the UN Security Council on the Agenda “Women, Peace and Security” (UNSCR 1325 and subsequent resolutions). Germany, a non-permanent member of the UN Security Council in 2019/20, successfully co-tabled Resolution 2467 and helped get it passed. It makes direct reference to Article 7 (4) ATT and creates a clear link to the unlawful dissemination of small and light weapons in the context of GBV. Resolution 2467 also calls on the UN Sanctions Committees to impose targeted individual sanctions against the perpetrators and instigators of GBV.

51. Together with the African Union, Ghana and Namibia and the SDG 16 Pathfinders multi-sectoral initiative, Germany in 2019 founded the Gender Equality Network for Small Arms Control. Women are to be able to participate effectively at all levels in international, regional and national political processes on small arms controls and to promote best practice sharing at supra-regional level, for example in the Western Balkans region.

### **Re para. 7: National machinery for the advancement of women**

52. The Federal Government adopted its first cross-sectoral, interdepartmental Gender Equality Strategy (Strategy) in 2020. It is based on the awareness that de facto equality between women and men has not yet been achieved. The Strategy makes explicit reference to EU and international gender equality frameworks and agreements, such as the UN’s 2030 Agenda and also CEDAW.

53. The Strategy identifies three key gender policy issues, from which are derived nine goals and 67 guiding measures falling within the remit of various ministries. The Strategy shows the broad range and diverse responsibilities of gender equality policy.

54. The Strategy addresses the specific situation of women and men with disabilities, and several measures are aimed specifically at women with a migration background. Its level of implementation is reviewed at the end of the current

legislative period (2021) so that the Strategy can be updated during the next legislative period (2021–2025).

55. For further information in English, see <https://www.gleichstellungsstrategie.de/rgs-en>.

56. The Strategy builds upon insights gained from the Federal Government's Second Gender Equality Report. The interlinkage between the periodic reports and the Strategy underpins the Federal Government's coherent and holistic gender equality policy approach. An expert opinion compiled by the independent Expert Commission for the Third Gender Equality Report on "Opportunities for Women and Men in the Digital Economy" was presented to the BMFSFJ in spring 2021. This and the Federal Government's subsequent response comprise the Third Gender Equality Report, which was completed in June 2021.

57. The founding of a Federal Foundation for Gender Equality will contribute most significantly to boosting gender equality policy at the structural level. The *Bundestag* passed the Act establishing the Foundation on 15 April, the *Bundesrat* on 7 May 2021. The objective of the Federal Foundation is to accelerate gender equality policy at all levels across Germany through providing information, supporting practitioners, networking stakeholders in a "House of Gender Equality" and backing the development of innovative ideas on implementing gender equality.

58. There is no generally valid model for the implementation of Gender Budgeting as a specific form of performance-based budgeting focusing on a budget system's impact. Germany's federal budget sets the financial framework for the ministries' sectoral policies. With regard to the content design of their policies line ministries implement gender mainstreaming in their own responsibility as a guiding principle.

59. When the federal budget is drawn up, spending reviews on annual thematic issues serve to provide an in-depth analysis of relevant aspects of the impact of individual specialist policies. During the 2019/20 spending review cycle, performance assessments were conducted and (for the first time) gender-based aspects were examined in relation to funding measures for advanced training, re-entry and start-ups. It became clear that in order to ensure the reviewability of gender objectives it is important to determine gender-disaggregated indicators when planning a funding measure so that performance reviews – including financial aspects – can be done. Based on this spending review the BMFSFJ announced various measures to improve awareness-raising and implement gender aspects (e.g. setting up an office to advise the federal ministries on gender mainstreaming).

60. Before each annual Budget Act is enacted, its compatibility with Germany's Sustainable Development Strategy is reviewed. The Strategy is based on the UN's SDGs and is continually updated and refined.

61. There were no plans to expand the mandate of the independent Federal Anti-Discrimination Agency in the reporting period (see also re paras. 4 (a), (b)). To ensure that the Agency can carry out its tasks even more effectively, it was allocated an additional eight staff positions, taking its staffing level to a total of 35 in 2021.

62. In the reporting period, the human resources deployed to implement the Development Policy Action Plan on Gender Equality of the Federal Ministry for Economic Cooperation and Development (BMZ) were increased in the lead division within the Ministry and the departments of *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) responsible for providing specialised support. The funding allocated by the BMZ to bilateral programmes aimed primarily at gender equality also increased, from €33.84m in 2017 (0.96 per cent of the bilateral portfolio) to €90.36m in 2018 (2.41 per cent) and €124.39m in 2019 (2.38 per cent). Funding is also provided to multilateral organisations, such as the Women Entrepreneurs Finance Initiative (We-Fi), a multi-donor fund attached to the World Bank which was founded

in 2017. The BMZ contributes €50m to We-Fi. Primary contributions to the UN World Population Fund (UNFPA) and UN Women have risen significantly since 2017: to UN Women by €4m in both 2017 and 2018, to €8m in 2019 and €14m in 2020; to the UNFPA by €22m in both 2017 and 2018, to €33m in 2019 and €70m in 2020. Resources allocated to the issue of gender equality have thus risen continuously in the reporting period – both in the bilateral and the multilateral portfolio.

### **Re para. 8: Temporary special measures**

63. The Federal Government and the *Länder* have instituted further temporary special measures since 2017. Also, the global coronavirus pandemic unfolded during the reporting period. To cushion its negative economic and social impact – which especially hit women and families, as a consequence of the shutdown of public life for instance – the Federal Government in 2020 and 2021 launched an unprecedented package of support and economic stimulus measures worth hundreds of billions of euros under several large support programmes. Examples include the following, generally temporary, measures aimed specifically at mitigating the consequences of the COVID-19 crisis for women and families:

64. The “short-time allowance” earnings replacement benefit, amounting to 60–80 per cent of net wages, plus an additional 7 percentage points if there are children in the household.

65. Credit and guarantee schemes, start-up packages, liquidity grants for businesses and the self-employed with no employees (e.g. “bridging allowances”) and easier access to basic social security for the self-employed with no employees and micro-enterprises; women especially benefit from these owing to their making up a large proportion of the hospitality, culture and services sectors, for instance.

66. A “children’s bonus” of €300 in 2020 and another €150 in 2021 for each child entitled to child benefit.

67. An increase in single parent tax relief from €1,908 to €4,008:

- An “emergency child supplement” for low-income families;
- Special rules on parental allowance and maternity benefits;
- Compensation for working parents looking after their children at home because kindergartens and schools are closed;
- An increase in the “child sick pay allowance” – which has been doubled from 10 to 20 days per parent and to up to 40 days for single parents in 2020; in April 2021 a further extension of the entitlement to a total of 30 days per parent and 60 days for single parents; those who need to look after a (healthy) child at home owing to the pandemic circumstances are also entitled to this allowance;
- Temporary changes to emergency assistance available to informal caregivers: more flexible rules concerning Caregiver Leave and Family Caregiver Leave, doubling of the period for which the caregiver allowance is paid (from 10 to up to 20 days) and of the corresponding period for short-term absences from work;
- Additional funding for and expansion of helplines providing advice and support: a hotline for children and adolescents, for parents in distress (“Nummer gegen Kummer”), a hotline for caregivers, the “Press Pause” initiative, the helplines “Violence Against Women”, “Pregnant Women in Distress” and “Sexual Abuse”;
- Safeguarding the counselling infrastructure for pregnant women in conflict situations (expanding available online services);

- Increase in primary contributions to the UNFPA of €30m in 2020 to support the global response to the COVID-19 pandemic (incl. maintaining sexual and reproductive services, measures against GBV and harmful practices).

68. A further milestone after the 2015 Act on the Equal Participation of Women and Men in the Private and Public Sector (FüPoG) is its expansion, the Second FüPoG (FüPoG II). The trend since 2015 illustrates that the gender quota is working: The share of women on the supervisory boards of businesses required to enforce the quota rose by some 10 percentage points to 2020, and currently stands at 35.9 per cent. The share of women on the executive boards of these enterprises, by contrast, is 14.1 per cent.

69. The draft FüPoG II, passed by the *Bundestag* in June 2021, therefore for the first time stipulates that a minimum of one woman must sit on the executive boards of all listed, co-determined companies which have more than three members. In the case of federal enterprises, this minimum quota already applies where there are more than two board members. Moreover, companies are to be required to set targets for the share of women on their boards, and reasons will have to be given where that target is zero. Sanctions are to be possible in cases where reporting requirements are not met. The legislative process shall be completed in 2021.

70. In 2020, women made up 54 per cent of all public employees in the supreme federal authorities. They accounted for 37 per cent in leading positions, an increase of one percentage point compared to 2019.

## Re para. 9: Gender stereotypes

### Re 9 (a)

71. The Federal Government has for a long time attached great importance to addressing and eliminating gender stereotypes. Both the Federal Government and the *Länder* (which are responsible for education policy) apply a holistic approach with a bundle of very diverse initiatives. These include, for instance, labour and family policy measures, incentives for more partnership between women and men (see re para. 15) or raising awareness in education and youth policy.

72. One example aimed at awareness-raising is the “My-Test-Site-2.0” project ([www.meintestgelaende.de](http://www.meintestgelaende.de) web portal), an online gender magazine aimed at adolescents, which is also active in social media. It is the only website in the German-speaking countries which publishes authentic contributions by adolescents on issues around gender and gender equality issues. Young people of all genders work in 28 editorial groups to produce content – in the form of texts, raps, songs, videos, poetry slams or comics. A Facebook page also provides professional youth workers with information about gender-sensitive pedagogy. Owing to the huge demand (more than 7,000 active members), a separate website was launched for professionals in January 2021.

73. The BMFSFJ’s Rainbow web portal (see <https://www.regenbogenportal.de>)<sup>16</sup> provides information on sexual and gender diversity and supports lesbian, trans, intersex and non-binary women. Its counselling, information services and training offers are also aimed at professionals in the field of, for instance, pedagogy, counselling, healthcare and administration. See also re para. 14 (b).

<sup>16</sup> Information is available in English at <https://www.regenbogenportal.de/english>.

**Re 9 (b), (c)**

74. The BMFSFJ sponsors initiatives by the NGOs *Pro Quota Media* (PQM) and *Pro Quota Film* (PQF) which aim to increase the share of women in leading positions in journalism and the creative industries. The BMFSFJ is funding the [www.genderleicht.de](http://www.genderleicht.de) online platform (late 2018–September 2021) to achieve gender-sensitive media coverage. The platform, which presents comprehensible arguments for using non-discriminatory, gender-sensitive texts and images, is operated by the League of Women Journalists Germany.

75. The PQM funding (2020–December 2022) focuses on monitoring the share of women and men in leading positions in journalism. Symposiums are to be held to discuss the causes of the gendered power imbalance in journalism, which disadvantages women. A regular podcast also addresses the issue of sexism in journalism.

76. The aim of PQF’s “Share Your Power” project (sponsored October 2019–December 2021) is to raise awareness of the issues of sexism and multiple discrimination in the film industry. To that end, conferences, events at film festivals and social media campaigns are planned.

77. After organising a round table on “Women in Culture and the Media” in 2017, the Federal Government Commissioner for Culture and the Media (BKM) set up a project office of the same name which is based at the *German Cultural Council*. In 2020 its funding was extended for another three years. Among other projects, the office supports the first national, cross-disciplinary one-to-one mentoring programme for highly qualified female artists and women in the creative industries who wish to take on managerial roles. The office also contributes to spotlighting positive role models and improving the available data: a study on “Women and Men in the Culture Business – Report on their Economic and Social Situation” was published in 2020.<sup>17</sup>

78. The BKM ensures that her bodies and juries are based on gender parity. The new Film Funding Act provides for gender equity in the German Federal Film Board’s Executive Committee and Management Board, and a largely gender-equal composition of its Administrative Council. The share of women in the Broadcasting Board and the Administrative Board of *Deutsche Welle*, Germany’s international broadcaster, also increased significantly in the reporting period.

79. As a consequence of the #metoo movement, the BKM in 2018 began supporting an independent, cross-disciplinary confidentiality office against sexual harassment and violence.

**Re 9 (d)**

80. The aspect of combating sexism is always examined as part of the obligatory legal review of each Federal Government legislative proposal.

81. A BMFSFJ study (2019) entitled “Everyday Sexism” shows that 75 per cent of the female and 61 per cent of the male respondents regard sexism in the media (incl. advertising) to be “terrible”.

82. The German Advertising Standards Council has established itself as the German advertising industry’s self-regulatory authority, although it is independent, including its choice of sanctions. In 2019, 91 per cent of advertising reprimanded by the Council was removed or altered. The majority of complaints concerned “gender discriminatory advertising”.

<sup>17</sup> The German version is available at <https://www.kulturrat.de/wp-content/uploads/2020/10/Frauen-und-Maenner-im-Kulturmarkt.pdf>.

83. The Federal Government also attaches great importance to fighting sexism through non-statutory measures, and thus included the issue in the 2017 Coalition Agreement. As a result, it provided funding to the “Schools Against Sexism” project (July 2019–June 2021). The project is run by the NGO Pinkstinks, which provides low-threshold information and educational media offerings on the issue and answers questions around sexism and gender stereotypes.

84. Furthermore, the BMFSFJ, in cooperation with the European Academy for Women in Politics and Business Berlin (EAF), organised dialogue forums from September 2020 onwards and in January 2021 held an online symposium on the topic of sexism which involved all key stakeholders in the culture and private sectors, politics and civil society. It aimed to come up with recommendations for action to combat sexism, which will be published in a manual.

## **Re para. 10: Harmful practices**

### **Re 10 (a)**

85. The minimum age of marriage was amended in the reporting period. Following the entry into force of the Act to Combat Child Marriage in 2017, the age of consent was set at 18 years, without exception, in German law. Marriages involving persons under age 16 are invalid, and marriages involving persons between age 16 and 18 must be revoked.

86. As soon as a youth welfare office strongly suspects that the best interests of a particular child are at risk, then – in the exercise of the state’s watchdog function pursuant to Article 6 (2) sentence 2 GG – it is obliged under section 8a (1) sentence 1 Social Code Book VIII (SGB VIII) (Child and Youth Welfare) to conduct a risk assessment. The same applies in the case of a (risk of) forced marriage and early marriage entered into on the basis of traditional or religious agreements.

87. In the event of imminent danger to the best interests of a child or adolescent, then under section 42 SGB VIII the youth welfare office is authorised and obliged to take the child or adolescent into its care as an emergency crisis intervention measure.

### **Re 10 (b)–(d)**

88. In June 2020, the Federal Government again commissioned a survey of the number of women and girls who are at risk of being subjected to or who have undergone female genital mutilation (FGM) in Germany. The survey methodology was developed by the European Institute for Gender Equality. Almost 68,000 women in Germany have undergone FGM and up to 15,000 are at risk of FGM.

89. Between 10/2017 and 1/2019 the Federal Government funded the “Active against FGM in Refugee Facilities” project, which provided refugees with information about health-related and legal aspects of FGM, for instance.

90. Moreover, the BMFSFJ chairs a working group to eliminate FGM in Germany which comprises representatives of six federal ministries, the *Länder*, the Federal Government Commissioner for Migration, Refugees and Integration (IntB), the German Medical Council, the Federal Office for Migration and Refugees (BAMF) and Integra, the umbrella organisation of NGOs working to combat FGM in Germany. The working group discusses current trends relating to FGM and designs preventive and protective measures, for example.

91. In February 2021 the Federal Government introduced an FGM “letter of safe conduct”. The passport-style document contains information about the fact that FGM is a punishable offence, even if it is carried out abroad, and that it may lead to the loss

of one's residence title. It has both a preventive function – i.e. the safe conduct aims to prevent FGM being carried out in the women's and girls' countries of origin during holiday seasons – and also contains general information. It is signed by five federal ministries.<sup>18</sup>

92. Victims of FGM can also contact the free national “Violence against Women” helpline on 08000 116 016.

93. Further, the Midwifery Study and Examination Regulations entered into force on 1 January 2020. They for the first time stipulate that account must be taken of the specific concerns of women who have undergone FGM.

## **Re para. 11: Gender-based violence against women**

### **Re 11 (a)**

94. Contrary to what is stated in the introduction to para. 11 LoIPR, Germany has had a comprehensive strategy for combating GBV, including domestic violence, for more than 20 years. The Federal Government and the *Länder* have long been committed to combating both violence against women and domestic violence as a violation of human rights and to ensuring that victims and survivors are protected and can assert their rights in the implementation of the constitutionally enshrined principle of gender equality (Article 3 (2) GG).

95. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) entered into force for Germany on 1 February 2018. Under German constitutional law, it was contingent upon Germany already meeting the requirements set in the Convention at the time of its entry into force.

96. In the course of ratifying the Istanbul Convention, a number of measures have been taken and laws enacted at federal, state and local level in recent years. Details of these were already provided in previous state reports, such as the establishment in 2013 and the subsequent and continuous expansion of the national “Violence against Women” helpline, which provides low-threshold, direct advice and support. An evaluation study on its effectiveness was published in December 2020.

97. GREVIO regularly reviews the level of implementation of the Istanbul Convention. Germany submitted its first report in August 2020 (see <https://rm.coe.int/state-report-from-germany/pdfa/16809f59c6>). The 200-page Annex to the report details numerous measures taken by the *Länder*. Owing to the word limit, reference must here be made to those details and to the information provided in Annex II by way of example.

98. As part of implementing the Istanbul Convention, the BMFSFJ in 2018 launched an action programme on preventing violence against women and their children and to support them, and to improve support structures. Important elements include the aforementioned Round Table and a national investment and innovation programme, the “Together against Violence towards Women” federal funding programme.

99. The federal funding programme was rolled out in February 2020, with at least €120m planned for the period 2020–2024. The project finances the expansion, conversion, construction, refurbishment and acquisition of support facilities. The primary objective of its innovative projects is to contribute to further improving the accessibility and usability of protection and counselling facilities for women victims of violence. Main target groups are those women victims of violence for whom

<sup>18</sup> For information, see [www.bmfsfj.de/fgm-schutzbrief](http://www.bmfsfj.de/fgm-schutzbrief).

insufficient capacities or an insufficient number of specialised support services, for example for women with disabilities, have so far been available.

100. Its second pillar is an innovation programme with up to €21m allocated for the period 2019–2022. Funding can be provided to measures which facilitate access to protection and counselling services, which improve the fit and effectiveness of support services, and prevention.

101. The “Help System 2.0” project also forms part of the federal funding programme. It aims to assist women’s shelters and specialised advice centres in dealing professionally with the digital challenges they face on account of the COVID-19 pandemic. It focuses on upgrading technical equipment, training staff and providing interpreting services when women victims of violence seek advice.

102. Another element of the programme is the national #Stronger than Violence initiative,<sup>19</sup> which was launched on 25 November 2019. It aims to raise public awareness of the extent of violence against women and to encourage individuals to take a proactive stance against it.

103. The “Not safe at home?” campaign was launched under the initiative in April 2020 to reach out to women affected by violence on account of the COVID-19 contact restrictions. Germany’s largest retail chains supported it by providing information about the initiative and available support services on posters and sales receipts. The campaign now has more than 120 partners, including businesses, NGOs, associations, organisations and celebrities. The initiative runs until late 2021.

#### **Re 11 (b)**

104. In Germany, intentional acts of violence against people are prosecuted and punished regardless of the victim’s gender. Women and girls are, for instance, protected against violent attacks under the provisions relating to offences against sexual self-determination (sections 174ff. Criminal Code (StGB)). As reported in 2017, the criminal law on sexual offences underwent substantial revision in 2016. The introduction of the “no means no” principle placed the victim’s will at the centre of protection under criminal law. The number of convictions for sexual offences has increased since the StGB was revised. The introduction of the new criminal offence of “sexual harassment” in 2016 (section 184i StGB) also further improved women’s protection under criminal law.

105. The German prosecution authorities (public prosecution offices and police) are required by law to investigate every criminal offence (known as the “principle of mandatory prosecution”, section 152 (2) Code of Criminal Procedure). Since 13 December 2019 examinations of injured parties in relation to sexual offences have been conducted by an investigating judge so as to protect their interests meriting protection in the course of the preliminary investigation. An audio-visual recording is also made of the examination, which can then be used in the main hearing instead of hearing the injured party in person.

#### **Re 11 (c)**

106. In November 2019 the Federal Ministry of Labour and Social Affairs (BMAS) organised a workshop with experts from the Federal Government, the *Länder* and associations to allow for a broad exchange and to determine key elements of a comprehensive strategy for protecting people with disabilities against violence. Furthermore, in August 2020 the BMAS launched a survey on “Structures to Protect People with Disabilities against Violence in Germany”. The survey will be conducted

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<sup>19</sup> Information is available in English at <https://staerker-als-gewalt.de/english>.



over a 12-month period and aims to provide a scientific basis and to make key policy recommendations based on a scientific assessment in order to be able to further develop protection measures against violence across all levels of government. The *Länder* were asked about what structures they have in place to protect people with disabilities against violence.

107. Further, with a bill drafted by the BMAS on enhancing the participation of people with disabilities and on determining, under *Land* legislation, the social assistance agencies (Act to Enhance Participation), the Federal Government aims to include a provision on protection against violence in SGB IX. The provision will oblige rehabilitation and participation service providers to take appropriate measures to protect persons with disabilities (or at risk of disability) against violence. Particularly women and children are to be protected this way. Rehabilitation funding providers and integration offices will be required by law to ensure within their statutory tasks that service providers will comply with their duty of protection.

108. Action plans implemented in Hesse, Brandenburg and Mecklenburg-Western Pomerania also include measures to prevent violence against women and children with disabilities and to protect them. They aim to gain further insights into the risk of experiencing such violence, protection against it, and to boost self-determination and autonomy.

109. In recent years the statutory instrument of women representatives in all sheltered workshops for persons with disabilities (implemented in 2017) has proven to be a successful measure to empower women with learning disabilities and to increase protection against violence in such institutions. The “Supporting the National Network of Women’s Representatives in all Sheltered Workshops” project was launched in October 2019 for a three-year period and aims to test structures and democratic opinion-forming processes. The objective is to enable the National Network to function as an independent, self-determined, permanent national interest group of women’s representatives in sheltered workshops for disabled persons. The Federal Government also plans to conduct a new survey on “Violence against women with disabilities in all Sheltered Workshops”. The three-year study is to be launched in 2021.

#### **Re 11 (d)**

110. The Residence Act (AufenthG) includes no provisions which prevent the authorities taking measures to protect female victims of violence. On the contrary, it ensures that they are granted their own residence permit or the right of return in the following cases:

- Dissolution of a marriage under particularly serious circumstances, such as violence, regardless of the duration of the marriage or relationship (section 31 (2) AufenthG);
- No joint expulsion together with the (abusive) spouse or partner on whose residence status the woman is dependent (section 31 (2) AufenthG);
- The victim is required to remain so as to be able to cooperate in investigations or criminal proceedings (section 60a (2) sentence 2 AufenthG);
- The victim has had her residence permit withdrawn on account of forced marriage, for the purpose of which she was taken to another country (section 37 (2a) AufenthG).

**Re 11 (e)**

111. Under section 46 (2) StGB, particular account is to be taken when investigating and fixing penalties in regard to offences against refugee and asylum-seeking women of the offender's motives and objectives, especially including racist, xenophobic or other motives evidencing contempt for humanity.

112. Under section 8 (3) sentence 1 nos. 3, 4 Asylum Act (AsylG), data collected under that Act may, for the purpose of criminal prosecution measures and to prevent significant threats to the life or limb of an asylum seeker or third parties, be transmitted to the public agencies entrusted with such tasks and processed by them insofar as this is necessary to fulfil those tasks which are within their remit.

113. Raising awareness of and combating online hate speech are, among other aspects, the focus of the "Live Democracy!" federal programme.<sup>20</sup> Both the Competence Centre "Online Hate Speech" and several model projects dealing with this issue receive funding.

**Re 11 (f)**

114. As already detailed in Germany's last report, the German Judicial Academy, a supra-regional training facility funded jointly by the Federal Government and the *Länder*, continues to deliver training courses on GBV to judges and public prosecutors.

115. Further, the *Länder* (which are responsible for the in-service training of judicial staff) also continue to organise numerous other events for all groups of professionals at *Land* level. The European Law Academy and the European Judicial Training Network run such courses, too.

116. Moreover, university-based law degrees offer courses on criminology which cover the issues of crime prevention and victimology. Various law faculties also have special chairs for anti-discrimination and gender equality law (e.g. Humboldt Universität Berlin) or legal gender studies courses (e.g. Hagen Distance-Learning University).

**Re 11 (g)**

117. Federal and state protection against violence measures include combating various forms of online violence, for example under the "Action Against Online Violence" project, which has been allocated €440,000 in federal funding for the period 2019–2021 and is run by the Federal Association of Rape Crisis Centres and Women's Counselling Centres. It was launched in 2017 as a pilot project and then carried forward with new content. It focuses on training psychosocial support counsellors and protecting affected women and girls.

118. To ensure that violence experienced offline is not carried into the online world, the Federal Government is also funding the "Protection against Online Violence, Including Data Security in Women's Shelters" project run by the Association of Women's Shelters as part of the aforementioned federal funding programme. The aim is to draw up a concept for protecting the staff and residents of women's shelters against online violence. Online violence is also one of the key issues of the #Stronger than Violence initiative (see re para. 11 (a)).

119. The Act to Improve Law Enforcement in Social Networks (Federal Law Gazette I (BGBl.), p. 3352) entered into force in October 2017. It obliges social network

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<sup>20</sup> For more information on the aims of the federal programme see: <https://www.demokratie-leben.de/en/programme>.

providers with at least 2m registered users in Germany to operate a complaints management system for dealing with illegal content. Following a complaint, social network providers are required to remove or block sexist content if it constitutes one of the criminal offences mentioned in the Act.

120. In an expert report published in October 2019, the Federal Government's Data Ethics Commission recommends, for instance, creating a regulatory framework to prevent discrimination through algorithmic systems and calls for concrete requirements to be made of such systems, including regarding their design, transparency, controllability and training.

121. When it comes to reviewing and, where necessary, adapting the current legal framework on artificial intelligence (AI) applications with regard to unlawful discrimination, the Federal Government issued a statement on the European Commission's White Paper on Artificial Intelligence, for example, and advocates updating the AI strategy. In its lead role in the Council of Europe's Ad Hoc Committee on AI it actively advocates the creation of a legal framework to prevent gender-based discrimination through AI applications.

122. In the context of its direct dialogue with enterprises the Federal Government also uses the BMJV's Corporate Digital Responsibility Initiative to launch concrete measures to provide effective protection against gender-based discrimination through AI applications. The members of this initiative are working on adopting a code (in 2021) and concrete spheres of activity, including preventing unlawful biases and non-discrimination when using algorithmic systems as a goal of entrepreneurial activity.

#### **Re 11 (h)**

123. As already detailed, it is the *Länder* and municipalities in Germany which are responsible for advisory and support facilities, for example women's shelters.

124. The following table provides an overview of services available in the individual *Länder* (as at 2020):<sup>21</sup>

<sup>21</sup> The data quoted here were collected in 2020, and most had risen again by spring 2021. Many *Länder* have invested even more in the infrastructure to adequately respond to the consequences of the pandemic (see also nos. 8, 11 in Annex II). However, since updated numbers had not been provided by all the *Länder* for 2021, the 2020 numbers they transmitted were used. See, as regards current trends for Berlin in 2021, for instance, footnote 23. The full forms of abbreviations used to denote the *Länder* are included in the list of abbreviations.

	Länder																Total
	BW	BY	BE	BB	HB	HH	HE	MV	NI	NW	RP	SL	SN	ST	SH	TH	
No. of women's shelters	42	39	6	14	4	5	31	9	43	64	17	3	15	19	16	9	<b>336</b>
Safe houses		3	45	7			9	2	3		1					3	<b>73</b>
Places for women victims of violence and their children in women's shelters and safe houses	341	378 (453) <sup>22</sup>	768 <sup>23</sup>	286	183	241	727	153	405 <sup>24</sup>	610	109	55	263	121	349	141	<b>5 583</b>
Shelters for women refugees with experience of violence			1		1	1	1	11			1			1			<b>17</b>
Specialised counselling centres:																	
general		35 <sup>25</sup>		2			82	18	46	61					25	19	<b>288</b>
Counselling centres for victims of domestic violence	44		5		2	5	74	8		61	15			9			<b>223</b>
Counselling centres for victims of sexualised violence/women's emergency support hotlines	44		3		1	3	13	5		52	12	1		4			<b>138</b>
Counselling centres for women and girls with disabilities		2	1				36				1			1			<b>41</b>
Counselling centres for victims of domestic violence/honour-related violence/FGM/forced marriage			7	3		2	32	1	1	3	5	1		1			<b>56</b>
Intervention centres	44	28	5			1	40	5	29	61	17	1	8	4	15	4	<b>262</b>

125. The objective of the "Together Against Violence Towards Women" federal funding programme is to further support the needs-based expansion of facilities.

<sup>22</sup> I.e. 378 places for women and approx. 453 places for children.

<sup>23</sup> Including 335 places in women's shelters, 303 in safe houses and 130 in second-level apartments in 2020. In February 2021, there were 390 places in women's shelters. The pandemic led the Berlin Senate Administration to create 150 emergency places, meaning that in February 2021 Berlin had 973 places in safe houses for women affected by violence and their children.

<sup>24</sup> Including 11 places in safe houses for women victims of trafficking and prostitution for the purpose of sexual exploitation.

<sup>25</sup> Including centres providing advice on domestic and/or sexualised violence.

126. The BMFSFJ sponsored the scientific monitoring of the “Needs Analysis and Planning to Further Develop the Support System for Combating Violence Against Women and Domestic Violence” model project in 2019/20. The following three guiding questions were defined in close cooperation with the *Länder*, and building blocks were developed and implemented by five of the *Länder*:

- (a) Do all women affected by violence receive timely protection and help?
- (b) What services do women need in light of their differing situations? Do needs differ in rural and urban areas?
- (c) How can the support system be (re)designed to actually meet those needs? How can reliable cooperation with institutions in the support system be established to form an integrated supply chain?

127. This scientific monitoring examined how transferable the building blocks put in place by the *Länder* are. The recommendations for action derived from that analysis and a final report were published in early 2021.<sup>26</sup>

## Re para. 12: Trafficking (THB) and exploitation of prostitution

### Re 12 (a)

128. In Germany, the police and specialised counselling centres cooperate closely at federal, state and local level. This cooperation is primarily based on the federal strategy on cooperation between the police and specialised counselling centres and on the corresponding cooperation strategies of the *Länder* (see also Germany’s 2019 GRETA Report, para. 30, available online at <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>).

129. In parallel, the Federal Criminal Police Office (BKA) and the *Länder* regularly deliver training on THB which usually involves the specialised counselling centres (see GRETA Report, paras. 38–40). Further, the BKA and the *Länder* organise annual conferences which are attended by police officers employed by the municipalities.

130. All the aforementioned measures regularly include gender-sensitive awareness-raising, for instance regarding how vulnerable young women are of falling victim to so-called “loverboys”, regarding the threat of cyber grooming, or identifying victims during the asylum process. The “THB LIBERI” project (2018–2021), co-financed by the EU Internal Security Fund, focuses on the exploitation of children, adolescents and young adults in Germany and Europe and aims, for example, to raise cross-institutional awareness of and sensitivity to dealing with (mainly female) victims. Both operative and preventive measures are implemented, for example a “Preventive Instagram Chat” on the loverboy method, which has drawn a large response.

131. Further measures are detailed in Germany’s GRETA Report, paras. 63–69.

### Re 12 (b)

132. Germany has enacted comprehensive legislation on THB which complies with Directive 2011/36/EU and, by criminalising forced prostitution, forced labour and labour exploitation (see GRETA Report, paras. 221ff.), even goes beyond the Directive. The police at federal and state level have established specialised THB units.

<sup>26</sup> The report is available in German at <https://www.bmfsfj.de/bmfsfj/service/publikationen/bedarfsanalyse-und-planung-zur-weiterentwicklung-des-hilfesystems-zum-schutz-vor-gewalt-gegen-frauen-und-haesuslicher-gewalt-174022>.

Some public prosecution offices also have specialised THB departments. For details, see GRETA Report, paras. 247ff.

**Re 12 (c)**

133. No such national identification mechanism is in place, nor are there plans to introduce one. Responsibility for criminal prosecution and protecting the victims of THB falls to the *Länder*. Various agreements have been entered into at *Länder* level which regulate cooperation between the police and specialised counselling centres.

**Re 12 (d), (e)**

134. The above-mentioned close cooperation between the police and specialised counselling centres guarantees that victims of THB receive support, including medical, psychological and legal assistance (see GRETA Report, paras. 136–146). The *Länder* authorities are also responsible for identifying victims during the asylum process. Please also refer to GRETA Report, paras. 130–134 regarding the numerous measures implemented, for example an advisory and support programme for women refugees in North Rhine-Westphalia.

135. The provisions on a temporary right of residence of 2007 and amendments made thereto (since 2014 a directory rather than a discretionary provision) were already explained in Germany's last report. No further amendments were made beyond that since 2017.

**Re 12 (f)**

136. The versions of the revised criminal offences aimed at combating THB (sections 232–233a StGB: human trafficking, forced prostitution, forced labour, labour exploitation and exploitation involving deprivation of liberty) applicable since October 2016 are currently being evaluated at the request of the German Bundestag Committee on Legal Affairs and Consumer Protection. The impact and practical application of the amended provisions are also being reviewed following criticism expressed at international level of the alleged inadequate prosecution of these offences in Germany so as, if necessary, to enable improvements to be made as regards combating THB. An analysis is also to be conducted of how human trafficking offences are recorded statistically. The results of this evaluation are expected in autumn 2021.

**Re 12 (g)**

137. The *Länder* maintained various counselling centres and continued other support services for women and girls in prostitution in the reporting period, including safe houses (e.g. in Bavaria), outreach work (e.g. in Brandenburg, Lower Saxony, Saarland), advice on dropping out or retraining (e.g. in Bavaria, Brandenburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Schleswig Holstein, Hesse, Bremen), awareness-raising (e.g. in Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Hesse), PR work (e.g. in Lower Saxony, Sachsen-Anhalt). See Annex II for examples.

**Re para. 13: Participation in political and public life**

138. Despite the positive trend in some of the *Länder* and municipalities and the extension of various measures, especially as part of high-profile nationwide celebrations in 2019 to mark the centenary of women's suffrage, women unfortunately continue to be underrepresented in political life in Germany. Nevertheless, where career programmes or political party-internal gender quotas have been introduced, the share of women has at least increased at *Länder* level.

139. Drawing on detailed data presented in the Fourth Gender Equality Atlas (2020) – whose data can be searched in English using interactive maps relating to 41 different indicators, including political participation, at <https://www.bmfsfj.de/bmfsfj/meta/en/equality/equalityatlas?view=>, and in Annex I – the following table provides a summary of the percentages of women at various political levels in 2015 and 2019:<sup>27</sup>

	2015 (in %)	2019 (in %)
Share of women in local government	27.1	27.7
Share of women in top administrative positions in counties/urban districts/ districts in city-states	10.6	11.1
Share of women minister-presidents, ministers and senators in the <i>Länder</i>	37.5	39.8
Share of women in <i>Land</i> parliaments	31.6	29.9
Share of women in the German Bundestag	36.0	31.2
Share of women in the Federal Government	37.5	47.8

140. Thuringia and Brandenburg were the first of the German *Länder* to adopt state-level parity laws in the reporting period. These require lists of candidates in *Land* elections to have equal numbers of men and women. Other *Länder* (Berlin, Schleswig-Holstein, Hamburg, Lower Saxony) are also discussing whether to reform their electoral laws to require either equal numbers of men and women in lists of candidates or mixed duos in constituencies. However, in 2020 the *Land* constitutional courts of Thuringia and Brandenburg found the parity laws enacted to be unconstitutional. To what extent the Federal Constitutional Court will follow these judgments and what impact they will have on the debate on parity legislation in these and other *Länder* remains to be seen.

141. Many *Länder* and the Federal Government also support non-legislative measures. Brandenburg, for instance, has held empowerment workshops and networking meetings for active honorary local politicians, as well as parity conferences, discussions and exhibitions around the centenary of women's suffrage and the current level of political participation. The “Women's Polling Station” in Potsdam is worth mentioning as an example. One outcome of its activities was that a road in the city centre was renamed after female politicians. The website [www.brandenburg-paritaetisch.de](http://www.brandenburg-paritaetisch.de) provides information and expert reports for the general public.

142. A new mentoring programme for the 2021 local elections was launched in Lower Saxony on 1 March 2019. Lower Saxony is using the sixth such programme, entitled “WOMEN. POWER. DEMOCRACY”, to increase the share of women in politics.

143. At federal level, the 2017 Coalition Agreement provides for the Helene Weber College and the Helene Weber Prize to be made permanent. Since 2009 the Prize has been awarded to women who have made outstanding contributions to local politics. During the current project phase (2019–2022), the College will be running empowerment programmes aimed at making it easier for young women to enter politics. Further, studies are being carried out to determine what structural obstacles (e.g. male culture in political parties) stand in the way of women entering and getting ahead in politics.

<sup>27</sup> The comparison is based on data published in the Third and Fourth Gender Equality Atlases.

## Re para. 14: Education

### Re 14 (a), (b)

144. When it comes to promoting professional diversification and equal opportunities, traditional understandings of gender roles still need to be expanded and action taken to combat gender stereotypes. All policy levels in Germany are committed to achieving these goals.

145. Besides the following explanations, see also re para. 9.

146. Germany has a very gender-equitable education system in which girls are not discriminated against. Each year since 1992 more girls have completed their schooling with an *Abitur* (higher education entrance qualification) than boys, that is some 3.8m girls compared to some 3.1m boys. By comparison, in recent years more boys than girls have completed their intermediate school leaving certificate, i.e. 173,385 boys and 164,193 girls in 2019.

147. In 2020, 53.7 per cent of those entitled to study were female. The share of women with a general higher education entrance qualification (for vocational and general schools) of the same-age resident population was just under 46.3 per cent in 2019, while the share of men was around 34.6 per cent. A total of 51.8 per cent of students in the first semester at university were women in 2019. Diversification, especially when it comes to the choice of degree course and career path, the share of women addressed by the Committee, particularly that of women migrants in higher positions in the education sector, remain important areas of activity.

148. In Germany, responsibility for education falls to the *Länder*. In 2016, the two bodies of ministers responsible at *Land* level for gender equality (GFMK) and for education (Standing Conference of German Ministers of Education and Cultural Affairs, KMK) for the first time adopted joint measures on combating gender stereotypes in the education sector. These were rolled out at *Länder* level in 2017. Guidelines elaborated jointly by the GFMK and the KMK entitled “More Equality of Opportunities through Gender-Sensitive Upbringing, Education and Training” contain requirements to be made of exam questions, teaching and learning materials, and the training and continuing training of teachers. They also form a key element when it comes to avoiding discriminatory gender stereotyping and promoting boys and girls equally at school. Implementing these guidelines includes building teachers’ gender skills and addressing and combating, for example, sexualised violence in schools.

149. The service centre of the national “No Clichés” initiative (funded jointly by the Federal Ministry of Education and Research (BMBF) and the BMFSFJ since 2016) advises a growing network of partners (as at January 2021: 310) and posts practical materials, background information and success stories on its website with the aim of ensuring that careers and degree courses are chosen free of gender stereotypes.

150. The Boys’Day (since 2011) and Girls’Day (since 2001) continue to be important initiatives. The BMFSFJ has since 2020 sponsored the “YouCodeGirls” project, which aims to awaken girls’ and young women’s interest in programming free of stereotypes and to support and strengthen the potential tapped into on the road to professional engagement. The creation of an internet platform to pool custom-fit offers forms the heart of this project.

151. The BMBF’s National Pact for Women in MINT<sup>28</sup> Careers, already referred to in Germany’s last report, now has more than 360 partners from trade and industry,

<sup>28</sup> MINT stands for “Mathematics, Information Technology, Natural Science and Technology”.



science and the media; the Federal Government, *Länder* and the Federal Employment Agency (BA) are also involved. Between 2015 and 2021 the BMBF provided some €20.5m in funding to 55 research and implementation projects under the “Success with MINT – New Opportunities for Women” project. Main focuses include information technology and the regional networking of existing information and placements for young women. These measures contributed to another above-average increase in the share of women who enrolled in a MINT subject: between 2015 and 2019 by an additional 2.6 percentage points to 34.2 per cent. The number of female students in these subjects stands at more than 119,000, almost doubling since 2008.<sup>29</sup>

152. The *Länder* promote the achievement of substantial gender equality and actively work towards eliminating existing inequalities in academia. This includes, for example, quality assurances rules for courses and teachers. The State Agreement on the Organisation of a Common Credit System for Quality Assurance in Courses and Teaching at German Higher Education Institutions, which entered into force on 1 January 2018, determines that courses must fulfil both subject-related criteria, including gender equality measures.

153. One example of a measure implemented at *Land* level is a programme in Saxony-Anhalt to promote careers’ advice for schoolgirls from year 11 onwards and young women entitled to study at a university. It included two projects: “Choose MINT, Make up your MINT” and “The Future is FEMININE”. Under the EU’s Structural and Investment Fund 2014–2020 the priority area of action “Supporting Women in MINT Careers” continued in the form of three projects using funding from the European Social Fund (ESF) and available *Land* funding of more than €2.2m.

#### Re 14 (c)

154. Following on from the previous report, gender equality in higher education institutions and science have also continued to receive funding since 2017 under the programme for female professors. The share of women in top positions within the academic system has also increased, and women’s representation at all qualification levels within academia has improved, even though the goal of equal participation has not yet been achieved.

155. The Federal Government and the *Länder* have allocated €200m to the third programme funding phase (2018–2022). This corresponds to a rise of 33 per cent compared to the previous two phases.

156. So far more than 700 tenured female professors (pay grades W2, W3) have benefitted from this funding. The programme also aims to use structural measures to trigger cultural changes in academia by creating incentives to develop gender equality concepts.

157. The 24th update of data on “Women in Higher Education and Non-University Research Facilities” by the Joint Science Conference of the Federal Government and the *Länder* reveals the following shares of women and rates of increase in higher education institutions:

	2012 (in %)	2018 (in %)
Share of women qualified to study	52	53.4
Share of women with doctorate (PhD)	42	45.2

<sup>29</sup> Source: Destatis, *Studierende an Hochschulen*, Fachserie 11, Reihe 4.1 and calculations by the Technology–Diversity–Equal Opportunities Centre of Excellence (<https://www.komm-mach-mint.de/service/mint-datentool>).

	2012 (in %)	2018 (in %)
Share of women with <i>Habilitation</i> (post-doctorate)	27	31.6
Share of female professors	20.4	24.7

#### Re 14 (d)

158. The Federal Government's Joint Integration Strategy covers the following areas: language teaching; integration in vocational training, employment and education; and social integration. Measures are geared to ensuring equal opportunities: they are open to all those entitled to participate, regardless of national, ethnic or religious background.

159. Early language and value teaching are particularly important for successful integration. Accordingly, a wide range of courses is made available by the Federal Government and local authorities, and these were further expanded in the reporting period. The integration courses organised by the Federal Ministry of the Interior, Building and Community (BMI) and the BAMF, together with the vocation-specific language courses ("German for professional purposes") organised by the BMAS, comprise the "Overall Language Programme".

160. In early 2017, funding was resumed for childcare to accompany integration courses. It is subsidiary to regular municipal childcare offers, as providing sufficient childcare facilities falls within their remit.

161. Access to federal language courses was significantly enhanced for readily employable foreign nationals with a permission to remain who entered the country prior to 1 August 2019. Focussing especially on mothers with a permission to remain to promote easier access to language classes, all those who raise children are not required to meet the "readily employable" criterion. Further, anyone with permission to remain, who has good prospects of being permitted to stay, permanently is given immediate access to these courses. Further, access to vocational language courses was opened up to those whose obligation for departure has been suspended for at least six months.

162. In August 2019 promotion of vocational training under the SGB was opened up to all foreign nationals who have access to the German labour and vocational training market. Access to measures which accompany vocational training was fully opened up. Access to instruments preparatory to vocational training was likewise greatly simplified.

163. Moreover, there are courses for women which are designed and carried out by women, for example the "MiA" (Women Migrants Simply Strong in Everyday Life) course. What is characteristic of these courses is that they are especially easy to access and are aimed both at women who have been living in Germany for quite some time and the newly arrived. They are aimed specifically at women whom national integration programmes have not been able to reach so far.

#### Re 14 (e)

164. In November 2000 the BMBF organised the symposium "Impetus for Europe – Equitable Structures and Diversity in Research", attended by more than 700 participants. They discussed European and international perspectives and challenges around the structural anchoring of gender mainstreaming and diversity in research. It not only focused on bringing about structural change, but also a more general cultural shift. The BMBF also raised the visibility of the new "Women in Science, Research and Innovation: Making Performance and Potentials Visible, Anchoring Visibility Structurally" funding measure ("Focus on Innovative Women"). Research and

implementation projects and meta projects have been allocated a total of €41m in funding for the period 2020–2026.

## Re para. 15: Employment

### Re 15 (a)

165. The Federal Government and the *Länder* continue to combat the root causes of the gender pay gap holistically in order to reduce this gap. The difference between women's and men's average gross hourly wages in Germany was 18 per cent in 2020 (2019: 19 per cent; 2018: 20 per cent; 2017: 21 per cent). For further data, see Annex I.

166. Important measures for reducing the gender pay gap include combating gender stereotypes as well as those initiatives which were already mentioned in previous reports and oral communication, for instance the statutory minimum wage (2015), parental allowance and parental allowance plus (2007; 2015), promoting female entrepreneurs or the “Towards Reintegration” programme of action.

167. Expanding and improving the quality of childcare, including through the Good Daycare Facilities Act (*Gute-KiTa-Gesetz*, 2019) – see paras. 15 (h), 18 (c) – and improving support for employed people with unpaid care responsibilities, for example under the Act to Facilitate the Reconciliation of Family, Care and Work (since 2015), contribute to reducing the gender pay gap.

168. Based on a 2019 evaluation of the Act to Promote Transparency in Wage Structures, the BMFSFJ will be working to further raise the profile and application of the Act, for example through further information and advisory services.

169. Moreover, in 2020 the BMFSFJ published its “Equality Check for Small and Medium-Sized Enterprises”, a self-test.

170. The “Promoting Equal Pay. Advising, Supporting, Strengthening Businesses” programme was launched in December 2020. It aims to ensure that equal pay forms the core of in-company human resources policy. For further information, see [www.entgeltgleichheit-fördern.de](http://www.entgeltgleichheit-fördern.de).

## Enhancing the reputation of the social professions

171. The Reform Act of Training of the Caring Professions, enacted in 2017, combined the previously separate training programmes for geriatric, healthcare and paediatric nurses. The new nursing training commenced in 2020. The reform will improve training conditions and make the nursing profession more attractive, given that women represent the majority in the nursing profession (i.e. some 80 per cent).<sup>30</sup> The new funding system also guarantees that trainees pay no tuition fees and that they receive an appropriate training allowance.

172. The BMFSFJ launched its Vocational Training Campaign for the Care Sector (2019–2023) in 2019, as part of which the Federal Government, *Länder* and associations are supporting the successful roll-out of the above-mentioned new nursing training courses. It is part of the “Concerted Action for the Care Workforce” initiative (KAP) launched jointly by the BMG, BMAS and BMFSFJ which aims to make lasting improvements to the work situation for nurses and care workers by improving working conditions, staffing levels and pay.

<sup>30</sup> According to Destatis (2019), approx. 83 per cent of those working in the geriatric nursing profession and approx. 80 per cent of those working in the healthcare and nursing professions are women.

173. The Care Wage Improvement Act, which entered into force in 2019, sets the legal framework for better pay in the nursing professions. The Fourth Ordinance on Mandatory Working Conditions in the Nursing Sector entered into force in 2020 and sets down minimum wages and holiday entitlements for geriatric nursing professionals.

174. The federal “Skilled-Labour-Initiative” (2019–2022) for early childhood educators and care professionals served to effectively trigger improvements in regard to paid practical training and good professional development prospects.

### **Supporting women in self-employment/start-ups**

175. Disparity as regards employment opportunities is also in evidence in the self-employed sector: only 7 per cent of working women are self-employed (working men: 12 per cent; figures for 2018; source: Destatis).

176. To increase the women’s share here, the Federal Government is continuing to support successful measures, including the “WOMEN Entrepreneurs” initiative, launched in 2014, the National Agency for Women’s Start-up Activities and Services (bga) and the web portal [www.existenzgruenderinnen.de/DE/Home/home\\_node.html](http://www.existenzgruenderinnen.de/DE/Home/home_node.html) operated by the Federal Ministry for Economic Affairs and Energy (BMWi).

177. The BMFSFJ has, since 2019, sponsored the bga’s “Women Undertaking Future” project, which aims to draw up recommendations for action in areas which will in future be of relevance to start-ups run by women, for example in digitalisation.

178. The „Self-made Women” project run by the German Association of Rural Women is another example (see also para. 18 (a)).

### **Initiatives with civil society and social partners**

179. Since 2008 the Business and Professional Women Germany Association has – with the Federal Government’s support – backed Equal Pay Day, now a year-round campaign which is well-known across Germany. The last Equal Pay Day was on 10 March 2021. The current funding period (2020–2023) focuses on significantly expanding its social media presence to reach new target groups.

180. The “What do Women Earn? Economic Independence!” campaign run by the Confederation of German Trade Unions (DGB) and supported by the BMFSFJ is now in its fourth project phase (2020–2023).

181. The *Länder* are also actively involved in projects aimed at reducing the gender pay gap – see the examples in Annex II.

### **Re 15 (b)**

182. Diverse training opportunities in more than 300 dual or school-based vocational training professions are accessible in Germany. They open up opportunities for professional development, including in non-traditional professions. The BA supports young people through its gender-sensitive, open and objective career orientation, career guidance and training placement measures. Since 1 January 2019 life-long career guidance commences before someone starts their first job, meaning that the BA has significantly expanded the range of support it delivers. Particularly, the presence of careers advisers in schools is continually being expanded. Since autumn 2020 career guidance has been available via video conferencing across Germany. All the available career orientation and career guidance services (incl. career orientation events, online services and one-to-one counselling) are closely dovetailed. Moreover,

the opportunities available for promoting vocational and continuing education and training have been regularly expanded based on several statutory regulations.

183. Since 2015 the BMAS has supported the social partners in establishing sustainable continuing education and training structures and improving women's equal participation in the labour market as part of implementing the ESF Directive "Securing Skilled Labour: Continuing Education and Training, Promoting Gender Equality". It is a joint initiative of the Confederation of German Employer Associations and of the DGB.

#### **Re 15 (c)**

184. Reference is, first, made to the explanations regarding the German pension system provided in the last report, especially concerning the crediting of child-education periods to compensate for the disadvantages suffered by parents raising children. The 2018 Act to Improve Pension Coverage and Stabilise the State Pension System, which entered into force on 1 January 2019, increased the periods credited for raising children born before 1992 ("Mothers' Pension II") from 24 to 30 months. The new rule not only benefits those who began drawing their pension after 2019, but also the almost 10m parents who are already retired and who raised children born before 1992.

185. Second, the Act to Introduce the Basic Pension for Long-Term Payees into the Statutory Pension Scheme entered into force on 1 January 2021. Anyone who has accumulated a statutory pension scheme period of at least 33 years, especially in dependent employment, but also accounting of periods spent raising children and/or caring for family members, now receives a "basic pension". Some 1.3m pensioners are entitled to draw a "basic pension", the majority of whom (some 70 per cent) are women, who often had lower-paid jobs or worked part time because of family responsibilities.

#### **Re 15 (d)**

186. In the Federal Government's opinion, existing statutory regulations, especially the AGG, provide sufficient effective mechanisms and opportunities for lodging an appeal in Germany (see, e.g., section 3 (4) AGG).

#### **Re 15 (e)**

187. The "Strong in the Workplace" programme,<sup>31</sup> now in its second funding period (1 January 2019–30 June 2022), is being implemented in 86 organisations across Germany. It continues to contribute successfully to creating concrete job prospects for mothers with a migration background. Cooperations have been established with the Association of German Chambers of Industry and Commerce, the National Association of German Skilled Crafts and the BA. The programme was expanded to include refugee women/mothers.

188. The programme is extremely popular. Since 2015, 14,000 mothers with a migration background who would otherwise not have entered the labour market have taken part in the programme's projects. After completing the programme, 36 per cent of these mothers (excl. refugees) moved into jobs with full social security coverage or (school-based/vocational) training. A significant share of them are key workers (in trade, retail, nursing). Two thirds of participants subsequently had better job prospects.

<sup>31</sup> Preferred translation of the programme's title which is referred to in the LoIPR as "Strong Career".

**Re 15 (f)**

189. Women with disabilities are in principle eligible to take part in all those general measures which promote employment and equal opportunities for women. They are guaranteed equal opportunities in the world of work, in particular by taking up suitable, sometimes part-time, measures close to home.

190. The available data show that unemployment is not a problem specific to severely disabled women and that the job opportunities specifically of people with disabilities have continued to improve in recent years. Targeted measures to create additional employment opportunities are thus not deemed to be necessary.

191. In 2018, more than 1.2m severely disabled people had jobs with full social security coverage (54 per cent men, 46 per cent women) – more than ever before. The share of severely disabled women is equal to the overall share of women in jobs with full social security coverage. In a long-term comparison, more severely disabled women than severely disabled men have started a new job with full social security coverage (increase of severely disabled women in employment of some 142,000 between 2008 and 2018 (+40 per cent) compared to an increase of some 112,000 (+23 per cent) in severely disabled men in employment).

192. In parallel, the average annual number of unemployed severely disabled people has continued to drop since 2014, and stood at 154,696 in 2019. That represents a drop of 9.27 per cent compared to 2016 (–9.33 per cent for men; –9.18 per cent for women). Severely disabled women have for years accounted for some 40 per cent of all unemployed severely disabled persons, that is below the share of unemployed women overall (almost 45 per cent).

**Re 15 (g)**

193. The priority and still the most effective approach to incentivising and thus improving the level of participation in employment (especially of second earners), and to reducing the gender pay gap is to improve the general conditions for reconciling family and job, based on partnership between women and men.

194. In the 2017–2021 legislative period it was especially low and middle-income earners – mainly women and second earners – who benefitted from tax breaks. The Federal Government reduced social security contributions for low-income earners, for instance, resumed the payment of equal statutory health insurance contributions by employees and employers, adjusted the tax-free allowance, eliminated what is known as “cold progression”, and increased family benefits. The “solidarity surcharge” was abolished for lower and middle earners at the start of 2021.

195. As regards possible combinations of income tax classes for spouses/life partners, the option of applying the so-called factor procedure (tax class IV/IV with factor), for example, more precisely distributes the income tax burden across both earners.

196. The following changes were made recently:

(a) As of 2019 the factor procedure can, upon application, not only be applied for one but for two years;

(b) As of 2018 the combination “tax class IV/IV” has become the norm following marriage/registered life partnership, and the switch from “III/V” to “IV/IV” can be made upon application by only one spouse/life partner;

(c) As was agreed in the Coalition Agreement, information about the factor procedure is now included in tax returns and reference is made to the option of switching to the combination “tax class IV/IV with factor”.

**Re 15 (h)**

197. The Federal Government and the *Länder* regard early childhood educational and participatory opportunities, the further expansion of and improvements to the quality of childcare in Germany as high-priority matters. As at 1 March 2020 there were 829,163 children under the age of three attending child day care facilities. That is almost 11,000 more than in 2019. The care rate for this age group rose in the reporting period after 2017 from 33 per cent to 35 per cent.

198. In 2020, just under 2.6m children between age three and school entry age were in childcare. That is approx. 76,000 more than in 2019, the largest rise since the start of monitoring in 2006. In 2020 the care rate was around 93 per cent, thus remaining at a high level throughout the reporting period.<sup>32</sup> The ratios of staff to children have also continued to improve in recent years.

199. Under the Good Daycare Facilities Act, the Federal Government has allocated some €5.5bn to the *Länder* for the period 2019–2022. The objective is to implement *Länder*-specific measures which address the individual needs of the *Länder* in order to improve both the quality of early childhood education and childcare across Germany and participatory opportunities. The *Länder* can allocate the additional funding to measures in 10 qualitative action areas and/or to measures which lessen the financial burden on families on account of a fee cut. The qualitative areas cover various aspects relating to the quality of childcare facilities, ranging from ensuring needs-based provision to improving the ratio of qualified staff to children, to hiring and retaining qualified staff, to improving the quality of family daycare.

200. Moreover, various federal programmes funded by the BMFSFJ, including the “Skilled Early Childhood Educators Campaign”, “Language Daycare Centres” and the “Facilitating Access to Child Daycare: Building Bridges to Early Childhood Education”, are helping to improve the quality of child daycare. They run until 2022.<sup>33</sup>

201. The gradual expansion of all-day care for primary school pupils also continued in the reporting period. In the Coalition Agreement the Federal Government pledged to provide funding to boost investment in expanding all-day primary schools (which fall under the responsibility of the *Länder*) and, further, to create an entitlement to all-day care for all primary school-aged children by 2026. In 2019, 74 per cent of parents of primary school children reported that they needed after-school care for their children; 64 per cent of parents needed all-day supervision. That is why the Federal Government is making up to €3.5bn available for investments by the *Länder* and municipalities to expand all-day primary schools and after-school care. That sum includes up to €1.5bn in the Coronavirus Economic and Crisis Management Package.

202. The Act on the Establishment of the Special Fund “Expansion of All-Day Education and Childcare for Primary-School Children”, which entered into force in December 2020, established a special fund to provide financial assistance to the *Länder* under Article 104c GG. The Federal Government passed a bill on 5 May 2021 to introduce a legal entitlement to all-day care at primary school level.

203. For data on the situation in the *Länder* as regards childcare, see Annex I.

**Re 15 (i)**

204. Germany welcomes the objectives of ILO Convention No. 156. The relevant regulations in the GG, labour and social legislation, and in Germany’s family and educational policies already meet the requirements of the Convention. Nevertheless,

<sup>32</sup> Data based on the official Child and Youth Welfare Statistics in accordance with SGB VIII.

<sup>33</sup> Further information in English on early childhood education and care (ECEC) programmes can be found at <https://www.fruehe-chancen.de/english/>.

in view of the content of Article 8, Germany has not yet ratified Convention No. 156. Under that provision, family responsibilities may not, as such, constitute a valid reason for dismissal. Discriminatory dismissals are permissible neither within nor outside the scope of the KSchG. However, no such positive, general and absolute ban as set out in Article 8 of the Convention is yet in place in Germany, nor is one planned. Germany thus currently has no plans to ratify the Convention.

205. As regards the last question concerning legal steps available to complainants following a violation of women's rights in supply chains, see re para. 5.

## **Re para. 16: Health**

### **Re 16 (a)**

206. Contraceptives are in principle available across the whole of Germany at generally affordable prices. Under section 24a (2) SGB V, any insured person is entitled to free prescription contraceptives up to the age of 22. The age limit was increased from 20 to 22 in the reporting period.

207. Many German municipalities and the city-states of Berlin, Bremen and Hamburg have different and non-harmonised cost coverage schemes (available upon application) for prescription contraceptives for certain groups, for instance women receiving "Unemployment Benefit II" (social benefit under SGB II, "Hartz 4"), basic social benefits/ assistance benefits under SGB XII, benefits paid under the Asylum Seekers Benefits Act, the Students' Assistance Act, housing benefit, child supplement or vocational training grant.

208. After the 2017 "biko –Contraceptive Advice, Information and Cost Coverage for Contraceptives" model project ended in September 2019, the Federal Government launched discussions on this issue with all the relevant federal ministries (BMFSFJ, BMAS, BMG). They cover various possible solutions under federal legislation based on the project results.

### **Re 16 (b)**

209. In the Federal Government's opinion, amending section 87 AufenthG would restrict criminal prosecution and render meaningless the criminal offence of staying in the federal territory without the required permit. No prospect can thus be offered of any amendment to or repeal of the provision.

210. As regards the Committee's questions in connection with abortion and cost coverage, the following is reiterated following the explanations in the 2019 Follow-Up Report ([CEDAW/C/DEU/CO/7-8/Add.1](#)): Counselling in accordance with section 219 (1) sentence 1 StGB is the precondition for an abortion to be legally exempted from punishment (section 218a StGB). In line with constitutional requirements, this counselling must be conducted without a preconceived outcome and serves to protect the unborn life. It is guided by efforts to ensure that women can take a conscientious and responsible decision. The rule thus does not limit their autonomy.

211. The cost coverage procedure in regard to abortions is carried out by health insurance funds as set out in section 21 (1) Act on Pregnancies in Conflict Situations (SchKG). Women who abort a pregnancy following the counselling are required to pay for the procedure themselves, unless their income falls below a certain threshold (see further details in [CEDAW/C/DEU/CO/7-8/Add.1](#)).

212. Under section 13 (2) SchKG, the *Länder* are required to ensure there is an adequate number of outpatient and inpatient facilities which carry out abortions. As



part of a revision of section 219a StGB, the German Medical Association was assigned the task (under section 13 (3) SchKG) of keeping a list of those doctors, hospitals and facilities carrying out abortions under the conditions of section 218a (1)–(3) StGB. It includes information about which methods those listed use to carry out abortions. The list is updated monthly and is available online.<sup>34</sup> The Federal Centre for Health Education (BZgA), the Federal Office for Families and Civil Society Tasks and the *Länder* also have access to this centralised list.

213. Section 219a (1) StGB does not make the provision of information about abortions a punishable offence. Further, doctors, hospitals and facilities carrying out abortions are able to provide women with unrestricted information when advising them about their services and the means of and procedures for carrying out an abortion. The criminal offence only covers those cases in which these services, the means, objects or procedures are offered or extolled in public, in a meeting or by disseminating written material if this is done in a grossly offensive manner (trivialising/glamourising) or for a pecuniary advantage (to increase a magazine's circulation, against commission or payment of a doctor's fee). Adding subsection (4) to section 219a StGB in 2019 further restricted the criminal liability of doctors, hospitals and facilities carrying out abortions. They are now also permitted to publicise – for instance online – the fact that they carry out abortions and they can refer to further information. The criminal provision is, in fact, directed against the trivialising and commercialisation of abortion. The aim in limiting advertising possibilities is to guarantee that pregnant women receive objective and comprehensive information about available options and the abortion procedure independent of any third-party interests.

### Measures to combat nicotine addiction

214. Currently, 27 per cent of male and 20.8 per cent of female adults (age 18–64) in Germany smoke. When it comes to adolescents (age 12–17), 6.5 per cent of boys and 6.6 per cent of girls smoke; 26.3 per cent of young male adults and 23 per cent of young female adults smoke. Overall, children and adolescents are regarded as an important target group of anti-smoking campaigns. The BZgA's numerous brochures and online offers are specifically aimed at young female adolescents and women, including in regard to the following topics:

- Smoking—Special risks for women, see <https://www.rauchfrei-info.de/informieren/rauchen-gesundheit/besondere-risiken-frauen/>;
- Smoking and the pill, see <https://www.rauch-frei.info/informier-dich/fragen-und-antworten/details/thema-pille-und-rauchen.html>.

215. Gender-relevant issues are addressed in news items or tools such as “Your Body Smokes Passively (Sex Organs)”.

216. Given that smoking can have a negative impact on women's and girls' fertility and carries an increased risk of complications during pregnancy, another focus is pregnancy and breastfeeding (see <https://www.rauchfrei-info.de/informieren/rauchen-gesundheit/schwangerschaft/>).

<sup>34</sup> The list is available at [https://www.bundesaerztekammer.de/fileadmin/user\\_upload/downloads/pdf-Ordner/Liste219a/20201105\\_Liste\\_\\_\\_13\\_Abs\\_3\\_SchKG.pdf](https://www.bundesaerztekammer.de/fileadmin/user_upload/downloads/pdf-Ordner/Liste219a/20201105_Liste___13_Abs_3_SchKG.pdf).

## Re obstetric violence

217. The StGB does not contain the criminal offence of “obstetric violence”. Violence against pregnant women – as against anyone else – can be punished as “bodily harm” (section 223ff. StGB). Outside of the scope of the StGB, victims may be entitled to civil-law damages and compensation claims. The Federal Government has no reliable statistics about how many pregnant women suffer this kind of violence. There are plans to launch a study into this issue in 2021.

## Re para. 17: Economic empowerment of women

218. According to data from the micro census, the at-risk-of-poverty rate was slightly higher among women (16.6 per cent) than among men (15.2 per cent) in Germany in 2019.

219. The Federal Government recognises that gender-specific measures for women are needed when it comes to combating poverty and social exclusion and their causes. Attention must, specifically, be paid to the fact that women are much more likely to become single parents following a separation, and that women’s decision-making and biographies in regard to education and employment are still all too frequently based on traditional gender roles. That is why maintenance advances for single parents were further expanded and increased in the reporting period.

220. An active labour market policy includes measures aimed at reducing the disadvantages resulting from decisions concerning education and employment made earlier in life. They include, for instance, the possibility of doing vocational training at a later stage in life.

221. In order to be able to improve on women’s social benefits on the basis of facts, the Federal Government’s Sixth Report on Poverty and Wealth,<sup>35</sup> approved by the Cabinet in May 2021, includes relevant information, for example on women’s material situation compared to men’s and how girls’ and women’s educational and job opportunities have evolved.

## Re para. 18: Rural women

### Re 18 (a)

222. Destatis statistics do not indicate that rural regions have a higher gender pay gap than more densely populated regions. In fact, the gap is lower in rural regions: in 2018 the difference between women’s and men’s gross hourly earnings was 20 per cent overall; in rural regions it was 19 per cent, in regions with concentrations of population 22 per cent and in urban regions 23 per cent.

223. The Federal Government has no insights into the reasons for these differences in the gender pay gap across different types of regions. It is to be presumed that, regardless of region, the same factors are responsible for the gap (see re para. 15 (a)). Accordingly, the holistic approach referred to in the response to para. 15 (a) can also be applied to rural regions.

224. For examples of what the *Länder* are doing in this regard, see Annex II.

225. Reference is also made, as an example, to the Wage Atlas drawn up by Hesse. The Atlas is the product of a detailed analysis of each county borough and county in

<sup>35</sup> Further information (later in 2021 also in English) is available at [www.armuts-und-reichtumsbericht.de](http://www.armuts-und-reichtumsbericht.de).

the region. Additional workshops were held with local women's and gender equality offices/officers in all the counties and county boroughs in Hesse so as to analyse regional data, and suggestions were made for improvements at local level.

226. As part of a project (2017–2018) run by the German Association of Rural Women, the BMFSFJ sponsored training for regional equal pay advisers who now provide sustainable support to employers, municipal institutions and women in rural regions when it comes to enforcing equal pay. The BMFSFJ also supports the Association's "Self-made Women – A Project to Empower Rural Female Founders" project (2019–2021).

### Re 18 (b)

227. De jure, Germany's or the EU's agricultural policy is gender neutral when it comes to funding or credit matters. However, regardless of gender, starting a business is not easy in the agricultural sector, as access to land is limited and without any assets there are hardly any securities/sureties to cover loans.

228. That is why Germany applies various measures to promote and provide access to land, such as targeted investment promotion as part of an agricultural investment support programme or financial support through a young farmers' premium – which is also available to (male and female) career changers and start-ups. A diverse range of advisory services is also available.

229. In Germany, too, farms tend to be bequeathed to sons rather than to daughters, even if they have the same qualifications (Brandth 2002; Fabian 2018),<sup>36</sup> which is why women are, however, indeed at a disadvantage as regards access to own land. According to estimates based on the Agricultural Structure Survey, there were 235,000 men but only 26,000 women in charge of agricultural enterprises in 2018.

230. The Federal Government is aware of the challenges and potential disadvantages faced by women and it has therefore turned the spotlight on rural women in a study of rural women (2019– August 2022),<sup>37</sup> which is the first to conduct a comprehensive, Germany-wide analysis of the situation of women in agricultural enterprises. It aims to provide a sound analysis of the living conditions and prospects of women in agriculture and to thus create a scientific basis on which to be able to support and promote women and to open up more prospects to them.

231. The *Länder* have a number of funding programmes and projects which aim to improve both rural women's and men's income and employment opportunities. Brandenburg, for instance, is using the European Agricultural Fund for Rural Development to support several projects in the period 2014–2020 to safeguard and open up employment and income opportunities in rural regions. As part of diversifying rural livelihoods in the context of the ongoing structural shift in the agricultural sector, rural tourism, manufacturing industry, crafts and services are proving to be the rural population's main source of work and income. More women than men tend to work in these sectors, which is why women can benefit from tapping into new income sources, for example by putting existing buildings to new commercial uses.

<sup>36</sup> See Brandth B (2002): Gender Identity in European Family Farming: A Literature Review. *Sociologia Ruralis* 42(3):181–200. doi: 10.1111/1467-9523.00210; Fabian AC (2018): Die Stellung der Frau im Agrarrecht: Eine Untersuchung anhand des Familien- und Erbrechts sowie der Alterssicherung der Landwirte, 1st ed. Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG, Schriften zum Agrar-, Umwelt-und Verbraucherschutzrecht 79.

<sup>37</sup> The study (1 February 2019–31 August 2022), initiated by the Association and entitled "The Life Situation of Women in Agricultural Enterprises in Rural Regions in Germany – A Socio-economic Analysis", is funded by the Federal Ministry of Food and Agriculture.

**Re 18 (c)**

232. With reference to the explanations provided in the last report as well as to the response to para. 15 (h), Germany reiterates that high-quality needs-based early childhood education and childcare provision are key concerns of both the Federal Government and the *Länder*.

233. The Federal Government has contributed €3.28bn in the period since 2008 to increasing the number of childcare places for the under threes, for whom more than 560,000 places have been created over the past decade. Under the Fourth Investment Programme (2017–2020), another €1.126bn in federal funding is to be used to create a further 100,000 places for children under school age. Additionally, the Fifth Investment Programme was created as part of the Coronavirus Economic Stimulus Package and allocated €1bn in funding in 2020 and 2021. This money will be used to create 90,000 new child daycare places. The funding can, though, also be invested in renovation work or new hygiene concepts and room designs which are necessary owing to the COVID-19 pandemic.

234. Both supply and demand in Germany still vary considerably across different regions, although the infrastructure is not on principle weaker in rural than in urban regions. It must, however, be said that the care rate is still significantly higher in the eastern than in the western *Länder*.

235. An overview of the care rate, for instance for the under threes by county and *Länder*, is available in the form of interactive maps on the Destatis website (e.g. at [https://www.destatis.de/EN/Service/Statistics-Visualised/\\_node.html](https://www.destatis.de/EN/Service/Statistics-Visualised/_node.html)). For further information, see also Annex I.

**Re 18 (d)**

236. As regards increasing labour market and training opportunities, especially in rural regions, see re paras. 15 (b), 18 (b).

**Re 18 (e)**

237. Based on the law of benefits and contracts under SGB XI, Germany's long-term care insurance scheme ensures a dense network of some 14,700 outpatient care services and some 15,400 residential long-term care facilities (as at 2019). Those in need of long-term care in rural regions also have an adequate choice of options to suit their individual needs as sufficient outpatient care services are available in these regions as well. Besides, there is a greater willingness among informal caregivers to take on care duties in rural regions than in cities. The long-term care insurance scheme prioritises care in the home and provides benefits to support family caregivers, this helps to stabilize the level of care provision in rural regions. The unbureaucratic travel expenses allowance which was introduced under the Care Staff Strengthening Act also serves this purpose, as it appropriately remunerates outpatient care services and their staff, who have to travel longer distances in rural regions. Promoting digitalisation in long-term care and strengthening cooperation between doctors' practices and inpatient long-term care facilities to support consultation hours and medical case conferences via video as telemedical services are particularly important in rural regions.

238. Since 2019, outpatient care services have also been regularly approved to provide benefits in kind in outpatient long-term care services, thus increasing the range of long-term care services and assistance with housekeeping at home.

239. As part of the aforementioned KAP initiative, a study was commissioned in November 2020 to identify innovative approaches to community care which can

improve long-term care, provide better support to informal caregivers, and optimise both staff deployment and the work organisation of the providers of outpatient care services. The aim is to enhance needs-based nursing care and care structures close to home, including to ensure care provision in rural regions.

240. The “Local Alliances for People with Dementia” federal programme has promoted 500 “local alliances” across Germany since 2012. The network has been gradually expanded since October 2020. Funding currently focuses on regions which have previously received no support and in which there have so far been fewer means of caring for and supporting people with dementia and their relatives. The majority of these are rural regions.

241. The *Länder* also have various measures for supporting nursing care provision in rural regions. For examples from Hesse and Saxony, see Annex II.

### **Re para. 19: Disadvantaged groups of women – migrant women**

242. In recent years both the Federal Government and the *Länder* have continued to variously promote low-threshold measures for the labour market and social empowerment and integration of women and girls with a migration background. The focus has been on improving their opportunities for participation and on realising their own potential.

243. The Umbrella Federation of Organisations for Migrant Women (DaMiGra e.V.) was founded in September 2014 with support from the BMFSFJ and BAMF. It is the only organisation to represent women migrants in Germany regardless of background, party affiliation and religion. The federation regards itself as the mouthpiece and representative of more than 70 women migrants’ organisations which advocates their interests in the political and public realm, in the media and trade and industry.

244. DaMiGra’s three-year “Women\* Migrants and Refugees Between Multiple Discrimination and the Right to Self-determination #selbstbestimmt!” project, also co-funded by the BMFSFJ and BAMF, was launched in October 2019. It aims to also address the impact of the COVID-19 crisis on women migrants and refugees.

245. Another example of the Federal Government’s commitment in this area is the “Women Refugee Start-ups – Tapping into Women Refugees’ Entrepreneurial Potential” project (2017–2019), which is funded by the BMFSFJ and run by *jump e.V.* society. The project aimed to tap into women refugees’ entrepreneurial potential as a way into self-employment and labour-market integration. It supported women refugees in setting up a business in a three-stage process.<sup>38</sup>

246. In the reporting period the BMAS is using the Federal ESF Integration Directive in the “Integration of Asylum Seekers and Refugees” (IvAF) priority area of action (1 July 2015–31 December 2021) to sustainably integrate refugees into training and work by providing comprehensive advisory services, including qualification, job placement and support after they start work or training. In this context, women-specific approaches were developed in practice and implemented across Germany to improve women refugees’ access to education, training and gainful employment. Also, intensive networking between the projects and statutory institutions served to generate ideas at structural policy level aimed at increasing this group’s opportunities for participation.

<sup>38</sup> For results (in German) see <https://www.frauenmitfluchterfahrungruenden.de/wp-content/uploads/2020/09/Summary-Projekt-Frauen-mit-Fluchterfahrung-gr%C3%BCnden-2020.pdf>.

247. The IntB also supports national projects to empower women refugees and other particularly vulnerable groups. Besides providing information and psychosocial support, they also aim to boost women's self-confidence and to support them in identifying their own skills, interests and options.

248. The aim of the "Mut-Macherinnen" ("Encouragers") project, which is sponsored by the IntB and run by DaMiGra, is to support and empower women refugees. Women migrants are enlisted, qualified and deployed as volunteers to work with women refugees. Empowering them and teaching a gender-sensitive perspective based on women's and human rights (incl. for refugee men) contributes to boosting their opportunities for social participation.

249. The IntB is also committed to improving women's integration into the labour market. Since 2020 she has, together with the BA, been co-financing the "Fem.OS – Outreach Orientation and Advisory System in the Social Media for Women Migrants" project. It uses social media to reach women migrants and advise them on work and integration in their native languages.

250. The BMFSFJ's "Live Democracy!" federal programme also supports civil-society actors in testing innovative approaches by funding model projects.<sup>39</sup> Some of the model projects aim to promote the social participation of migrants, including three ongoing ones aimed explicitly at women and girls with a migration background. The three projects are being conducted under the federal programme's current funding period (2020–2024).

## **Re para. 20: Transsexual and transgender women**

251. The legal situation in Germany complies with international standards of non-discrimination of transsexuals. Transsexuals can change their registered gender and given name(s) without undergoing medical treatment, and then receive birth certificates, ID documents, education and training certificates, and similar documents bearing their new name and gender. Those concerned wish these processes to be simplified and alleviated. After officially changing their gender, transgender people can continue in an existing marriage or registered life partnership. The number of procedures conducted under the Transsexual Act was 2,085 in 2017, 2,614 in 2018 and 2,582 in 2019. Figures for 2020 are not yet available.

252. The Federal Government has not yet completed its political opinion-forming process as regards a possible reform of the Transsexuals Act.

253. In the course of work on the next International Statistical Classification of Diseases and Related Health Problems (ICD-11), the Federal Government advocated depathologising transsexuality. Several working groups are discussing how the ICD-11 is to be applied in Germany in future. Diverse factors concerning the application of the ICD-11 to the German health system need to be considered before a final decision can be taken to adopt the new classification under the associated timetable.

254. In June 2020 the BMFSFJ established the Gender Diversity Dialogue Forum in order to expand the advisory and support landscape on intersexuality and transsexuality. In July 2020 specific information services for specialists in pedagogy, healthcare, education and administration were expanded and consolidated in the

<sup>39</sup> Since 2015 the programme has supported civil-society engagement on democracy, diversity and against extremism at all levels – from the local to the federal. Its funding was increased by €35m to €150.5m in 2021; according to the federal budget plan it will be increased to €200m annually by 2023. The programme was extended indefinitely in 2019. A new funding guideline applies to the second funding period (1 Jan. 2020–31 Dec. 2024).

BMFSFJ's Rainbow web portal (<https://www.regenbogenportal.de>). The portal provides support to transgender as well as lesbian, intersex and non-binary women.

255. To focus European gender equality policies on the concerns and interests of lesbian, transgender, intersex and non-binary women in particular, the Federal Government in November 2020 held a conference on "Intersectionality and LGBTI Policies in Europe: Lived Realities of Lesbian\* Women and the Recognition of Rainbow Families" as part of its EU Presidency.

256. The second funding period of the BMFSFJ's "Live Democracy!" federal programme began in 2020. It likewise focuses on sponsoring projects working to combat homophobia and transphobia at local, regional and national level. Also, from 2020 funding will be provided to a competence network consisting of civil-society actors involved in preventive-pedagogical work to combat homophobia and transphobia. The network is tasked with, for instance, pooling information available across Germany, providing specialist advice and guaranteeing the transfer of successful preventive approaches into federal, state and local structures.

257. The Act to Protect against Conversion Therapies entered into force on 24 June 2020. Under that Act, treating minors and adults who have not effectively consented in an attempt to change or suppress their sexual orientation or self-identified gender identity is a punishable offence. Further, the Act prohibits the advertising, provision and referral of conversion therapies. Administrative fines can be imposed in the event of a violation. The Act also protects transgender women from having to undergo conversion therapies.

258. Training and continuing training measures in the Federal Police are guided by the goal that the officers treat all people equally and that, as police officers, they serve the common good. The Federal Police guarantee respect for a person's sexual sphere as part of their private sphere. That entails the obligation to respect each individual's personal decision as regards their gender identity.

## **Re para. 21: Refugee and asylum-seeking women**

### **Re 21 (a)**

259. The BAMF's specially trained and sensitised decision-makers ("specially-commissioned case-officers") are in particular called in to deal with cases of gender-specific persecution, as well as cases involving torture victims and traumatised persons seeking protection. The number of these case-officers was increased in relation to the number of applications. As at 1 July 2020 the BAMF employed 250 specially-commissioned case-officers to deal with cases of gender-specific persecution, for instance.

### **Re 21 (b)**

#### *Trend in number and country of origin of asylum seekers since 2017*

260. A total of 43,222 women filed a first asylum application in 2020 (2017: 78,413; 2018: 70,077; 2019: 61,977). They accounted for 42 per cent of all asylum applicants. In 2020, 60 per cent of all women who filed a first asylum application were minors, 17 per cent were age 18–30, 19 per cent age 30–50, and 4 per cent were older than 50. The main countries of origin were Syria (38 per cent of all women asylum applicants), Iraq (10 per cent), Afghanistan (9 per cent) and Turkey (4 per cent).

261. Both the provisions of the AsylG and the BAMF's internal control measures take account of the gender- and women-specific reasons why people are forced to flee their country of origin. Under section 3b (1) no. 4 AsylG (concerning "gender-specific

persecution”), persecution owing to belonging to a particular social group includes a person being persecuted solely on account of their gender or sexual identity.

262. As already detailed in Germany’s 2019 follow-up information, the BAMF applies a series of measures which provide special protection to women forced to migrate and thus guarantees that they are treated in a gender-sensitive manner throughout the asylum procedure.

263. In the reporting period the Federal Government also further expanded the protection afforded to women and children in refugee accommodation by extending a federal initiative conducted jointly by the BMFSFJ, UNICEF and other partners since 2016. The first “Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centres” were published<sup>40</sup> and some 100 full-time violence protection coordinators across Germany sponsored until 2018. Since 2019 the BMFSFJ has sponsored the “Decentralised Advisory and Support Structures for the Protection of Refugees in Refugee Accommodation” project, for instance, and a project to monitor and evaluate safety concepts in refugee accommodation.

264. Under sections 44 (2a), 53 (3) AsylG, which were introduced in August 2019, the *Länder* are required to “take adequate measures” to protect women and vulnerable groups of people in reception facilities and shared accommodation.

## **Re para. 22: Marriage and family relations**

### **Re 22 (a)**

265. The 2017 Concluding Observations (paras. 49 (a), 50 (a)) refer to joint parental authority, joint (physical) custody and child maintenance. The ordering of joint parental authority, including after a separation or divorce (sections 1626, 1687 Civil Code), concerns the parents’ decision-making powers, not the allocation of care shares between the parents. Since it is the distribution of care shares and not of parental authority, which is decisive for child maintenance, there are no grounds for concern regarding joint parental authority.

266. Youth welfare offices support and advise parents who separate or divorce when it comes to developing consensual parental authority concepts and caring for the person of the child. For lack of any need, no measures were taken to set up a monitoring mechanism aimed at ensuring that child maintenance obligations reflect reality in regard to time and cost allocation between parents.

### **Re 22 (b)**

267. Single mothers who rely on basic income support for job-seekers to secure their livelihood get help from their Jobcentre adviser. As part of Germany’s active labour market policy, they benefit from individual support measures under SGB II to re-enter the job market. A range of instruments take the specific situation of single mothers into account, for instance part-time training courses or help to access childcare. Under § 1 SGB III, gender equality is a basic principle governing employment promotion and basic income-support for job-seekers.

268. Officers for equal opportunities on the job-market support the respective agency heads at all institutional levels (in employment agencies, Jobcentres, regional offices and BA headquarters) in meeting gender equality targets, specifically promoting women.

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<sup>40</sup> See <https://www.bmfsfj.de/bmfsfj/service/publikationen/mindeststandards-zum-schutz-von-gefuechteten-menschen-in-fluechtlingsunterkueften/117474>.



269. Promoting gender equality has in recent years been a focus of the supervisory authorities responsible for basic income support for job-seekers. Brochures and manuals on gender equality and on improving advisory services for those raising children have been produced.

### **Re 22 (c)**

270. See re paras. 15 (a), (g) as regards incentives to increase the number of mothers entering the labour market.

271. As is the case with the gender pay gap, the Federal Government is aware that closing the labour-force participation gap – specifically the gap in the volume of work between women and men, primarily mothers and fathers – requires a bundle of measures which all seek to help both mothers and fathers to enter and remain in the labour market and to engage in employment which secures their livelihood.

272. To help women (re-)enter the labour market, the BA has for some years been using the tried and tested tool of advising re-entrants following a family-related career break. The “Towards Reintegration” programme also helps women to find employment which secures their livelihood and is in line with their qualifications.

273. Women entitled to benefits under SGB II receive support with active labour market measures to re-enter the labour market in the legal system of SGB II. Depending on their specific situation, a range of special measures is available which takes account of the specific challenges of reconciling family and paid work (e.g. part-time arrangements). To support the re-entry of employable benefit recipients in the legal system of SGB II, the BA has, for instance, developed small-format illustrated children’s books to strengthen the advisory services in households with children. They are available in different languages.

274. The BA has developed a social media outreach system of advice and information to provide targeted support to migrant women from third countries. The members of the team of advisers are native speakers of 10 different languages, that is besides German: Arabic, English, French, Pashto, Persian/Dari, (Latin American, African) Portuguese, Russian, Serbian, (Latin American) Spanish and Turkish.

### **Re the last subquestion**

275. Reference is made to the statement in the 2019 Follow-up Report as regards recommendation no. 50 (d) in the Concluding Observations of 2017.

276. Progress has been made on the reviews being conducted by the Federal Government/*Länder* working group regarding the fund for special hardship cases set out in the Coalition Agreement, but they have not yet been concluded. The key issue of funding still needs to be clarified, a detailed proposal elaborated and agreement reached among all the involved decision-makers.

### **Re para. 23: Additional information**

277. Further gender-relevant measures were rolled out at national and international policy levels in the reporting period. Examples are outlined in brief in the following.

#### **Initiatives g at international level**

278. Gender equality issues formed one of the focuses of Germany’s G20 Presidency in 2017, and the Federal Government supported the Women20 civil-society outreach process (e.g. by holding a W20 summit in Berlin). Several initiatives were adopted at

the G20 Summit in Hamburg to promote women's economic empowerment in particular (e.g. a fund to promote women entrepreneurs in developing countries (We-Fi), see re para. 7), to bridge the digital gender divide and build girls' digital skills (#ESkills4Girls). Gender equality continues to be an important issue on the agenda of the G7 and G20 which the Federal Government actively supports.

279. At the start of UN Women's new international Generation Equality Forum (GEF), the Federal Government in 2020 assumed the co-chair of the Action Coalition on economic justice and rights, one of the six new international alliances. In 2021 it also joined the Women, Peace and Security and Humanitarian Action Compact as a "Catalytic Member" and is now actively involved.

280. Gender equality policy was an important focus of several ministerial meetings and decisions during Germany's EU Presidency in the second half of 2020. For example, on the BMFSFJ's initiative the sharing of best practices on protecting women against violence was stepped up at an informal virtual conference of Gender Equality Ministers in November 2020 and, based on Germany's initiative, 22 ministers were in favour of setting up a single EU-wide number at which national violence-against-women helplines can be reached.

281. Council Conclusions on eliminating the gender pay gap were also adopted during Germany's EU Presidency (December 2020). They contain policy recommendations for the equal distribution among women and men of gainful employment and unpaid care work.

282. Under the BKM's lead, gender equality issues in the field of culture were discussed in the EU Council's Cultural Affairs Committee. The results were presented in the virtual Council Meeting of European Ministers for Culture and published as Presidency Conclusions.

283. The Federal Government supported the European Commission in adopting its Gender Action Plan III. To better protect women against violence in crisis situations, the Federal Government will continue to advocate the EU and all the member states ratifying the Istanbul Convention. During Germany's Presidency of the Council of Europe in 2021 emphasis is being put on advocating for an EU-wide expansion of and access to protection and advisory services.

284. The Third NAP on the Agenda "Women, Peace and Security" (adopted February 2021) sets out the Federal Government's future strategy for the period 2021–2024. Progress made on implementing the Second NAP on Women, Peace and Security (2017–2020) is outlined by the Federal Government in a separate report.

## **Domestic Initiatives**

285. The Federal Operational Programme for the ESF (2014–2020) pursues a double strategy as regards the integration of the cross-cutting issue of gender equality, i.e. a combination of specific measures to promote women and an integrated approach to equality. This two-pronged approach is underpinned by gender budgeting and reporting procedures.

286. The Agency for Cross-Cutting Targets in the ESF commissioned by the BMAS has since 2015 also continuously advised and supported the federal ministries and the agencies implementing the federal ESF programme, and is passing on relevant know-how to ensure that the cross-cutting target of gender equality is sustainably incorporated into all the planning, implementation and evaluation phases of federal measures.

287. Child supplement for families on low incomes was reformed in 2019 under the “Strong Families Act”. It now amounts to a maximum of €205 per month and child. More single mothers now benefit from the supplement because only 45 per cent – and not, as previously, 100 per cent – of child maintenance advances are now deducted.

288. The Digital German Women’s Archive (DDF) was launched in September 2018. It provides users with information on the history of the women’s movement by way of a specialist web portal which has numerous digitised versions of valuable original documents such as letters, photos and audio recordings. Since January 2020 the DDF has received €1.85m in institutional funding from the BMFSFJ. The DDF is run by i.d.a., the umbrella organisation of women’s archives. i.d.a. facilities receive funding through the DDF project fund so that they can digitise analogue holdings for inclusion in the DDF. The DDF’s office in Berlin is responsible for the portal’s technical and scientific implementation.

289. Under the BMFSFJ’s “Live Democracy!” federal programme, the “Anti-discrimination and Shaping Diversity” Competence Network has received funding since 2020 to develop and establish a digital documentation system. The network also regards anti-discrimination and gender-related equality data as a steering tool to ensure that public and private facilities apply the principle of diversity. There are plans to draw up a report on needs and experience.

290. Regarding the last question on incorporating the gender perspective as Germany implements the UN’s SDGs, reference is made to Germany’s Sustainable Development Strategy. It provides the framework for implementing the 2030 Agenda in Germany. The Strategy is regularly updated. The most recent updated version was adopted by the Federal Cabinet in March 2021. The Federal Government takes account of gender aspects as a cross-cutting issue as part of its gender mainstreaming approach. The Strategy now contains the following indicators for SDG 5: No. 5.1.a “Pay Gap Between Men and Women”, No. 5.1.b “Women in Leadership in Trade and Industry” and the new indicators No. 5.1.c “Women in Leadership Positions in the Federal Public Sector”, 5.1.d “Fathers and Parental Allowance” and 5.1.e “Vocational Qualification of Women and Girls through Germany’s Development Policy Cooperation”. The next update is scheduled for the next legislative period.

291. Monitoring and reporting are important elements when it comes to updating the Strategy. Every two years Destatis publishes a status implementation report based on the indicators on behalf of the Federal Government.

292. In its Agenda 2030 – Sustainable Family Policy Report (2019) the BMFSFJ for the first time set concrete, long-term and verifiable sustainability goals for family policy up to 2030, which are also relevant to gender equality policy. They are based on the will to in future systematically improve opportunities for mothers, fathers and children. The Agenda defines 13 targets in the three overarching objectives of “compatibility of family life and paid work”, “the spirit of partnership in families”, and “economic stability”.

## Abbreviations

AGG	General Act on Equal Treatment
AI	artificial intelligence
AsylG	Asylum Act
ATT	Arms Trade Treaty
AufenthG	Residence Act
BA	Federal Employment Agency
BAföG	Federal Education Assistance Act
BAMF	Federal Office for Migration and Refugees
BB	Brandenburg
BBiG	Vocational Training Act
BE	Berlin
bga	National Agency for Women's Start-up Activities and Services
BKA	Federal Criminal Police Office
BKM	Federal Government Commissioner for Culture and the Media
BMAS	Federal Ministry of Labour and Social Affairs
BMBF	Federal Ministry of Education and Research
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
BMG	Federal Ministry of Health
BMI	Federal Ministry of the Interior, Building and Community
BMJV	Federal Ministry of Justice and Consumer Protection
BMWi	Federal Ministry for Economic Affairs and Energy
BMZ	Federal Ministry for Economic Cooperation and Development
bn	billion
Bundesrat	Federal States Council

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Bundestag	National Parliament of Germany
BW	Baden-Württemberg
BY	Bavaria
BZgA	Federal Centre for Health Education
DDF	Digital German Women's Archive
Dept.	Department
DGB	Confederation of German Trade Unions
DIMR	German Institute for Human Rights
DZA	German Centre of Gerontology
EC	European Communities
ECJ	European Court of Justice
ed.	edition/edited
e.g.	for example
ESF	European Social Fund
EU	European Union
Eurostat	European Statistical Office
e.V.	registered society
ff.	and following
FGM	Female Genital Mutilation
FüPoG	Act on the Equal Participation of Women and Men in Executive Positions in the Private and Public Sector
G7	Group of Seven
G20	Group of Twenty
GBV	gender-based violence
GDR	German Democratic Republic
GFMK	Standing Conference of Equality and Women's Affairs Ministers and Senators

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GG	Basic Law
GRETA	Group of Experts on Action against Trafficking in Human Beings
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HB	Bremen
HE	Hesse
HH	Hamburg
HR	human resources
hrs	hours
HwO	Crafts Code
ICD-11	International Statistical Classification of Diseases and Related Health Problems
ILO	International Labour Organization
IntB	Federal Government Commissioner for Migration, Refugees and Integration
ISCED	International Standard Classification of Education
ISCO	International Standard Classification of Occupations
IT	information technology
KMK	Standing Conference of German Ministers of Education and Cultural Affairs
KSchG	Act on the Protection against Unfair Dismissal
Land/Länder	Federal State/s
LGBTTI	lesbian, gay, bisexual, transgender, transsexual and intersex
LoIPR	List of Issues and Questions Prior to Reporting
m	million
MINT	Mathematics, Information Technology, Natural Sciences and Technology
MV	Mecklenburg-Western Pomerania
n/a	not available

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NAP	National Action Plan
n/s	not specified
NCP for RBC	National Contact Point for Responsible Business Conduct
NI	Lower Saxony
NW	North Rhine-Westphalia
OECD	Organisation for Economic Cooperation and Development
p.	page
PQF	Pro Quote Film e.V.
PQM	Pro Quote Medien e.V.
ProstSchG	Prostitutes Protection Act
RP	Rhineland-Palatinate
SchKG	Act on Pregnancies in Conflict Situations
SDG	Sustainable Development Goal
SGB	Social Code
SH	Schleswig-Holstein
SL	Saarland
SME	small and medium-sized enterprises
SN	Saxony
ST	Saxony-Anhalt
StGB	Criminal Code
TH	Thuringia
THB	trafficking in human beings
UNECE	United Nations Economic Commission for Europe
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund

UNSCR

United Nations Security Council Resolution

We-Fi

Women Entrepreneurs Finance Initiative

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